HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 18, 1911.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. Henry N. Couden, D. D.:

We bless Thee, our heavenly Father, for the development of wealth, but we pray for a more equal distribution of the same. We thank Thee for the development of knowledge, but we pray for a more equal distribution of the same. We thank Thee for the interest in the conservation of our natural resources, but we pray for a greater interest in the conservation of brawn and brain. We thank Thee for the reclamation of arid lands, but we pray for a reclamation of minds and hearts, that Thy kingdom may come and Thy will be done on earth as it is in Heaven. Amen.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18540. An act for the relief of John H. Willis; and

H. R. 25057. An act for the relief of Willard Call and John M. Wyatt.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 25057. An act for the relief of Willard Call and John M. Wyatt.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10277. An act to authorize the improvement of the light and fog signal at Monhegan Island, Me.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7635) authorizing the President to drop officers from the rolls of the Army under certain conditions.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10277. An act to authorize the improvement of the light and fog signal at Monhegan Island, Me.; to the Committee on Interstate and Foreign Commerce.

CODIFICATION OF THE JUDICIARY LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I call up the unfinished business, House bill 23377.

The SPEAKER. The gentleman from Pennsylvania calls up the unfinished business in order to-day.

The Clerk read as follows:

A bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

Mr. MOON of Pennsylvania. Mr. Speaker, by unanimous consent on Wednesday last it was agreed that this morning the first thing in order should be to recur to a certain section of the bill and to consider an amendment offered by the gentleman from Tennessee [Mr. GARRETT]. Therefore that arrangement is first in order this morning.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER (after counting). Evidently a quorum is not present.

Mr. DWIGHT. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Conry	Fassett	Glass
Barchfeld	Coudrey	Fish	Goebel
Barclay	Covington	Focht	Gregg
Bartholdt	Cravens	Foss	Hamill
Bartlett, Nev.	Crow	Foster, Ill.	Haugen
Bingham	Cullop	Fowler	Havens
Burke, S. Dak.	Denby	Gardner, Mass.	Higgins
Calderhead	Dickson, Miss.	Garner, Pa.	Hill
Capron	Driscoll, D. A.	Gill, Md.	Hinshaw
Cocks, N. Y.	Dupre	Gill, Mo.	Hitchcock
Huff	Lindsay	Mudd	Snapp
Humphreys, Miss.	Lloyd	Murdock	Southwick
Johnson, Ohio	Lowden	Murphy	Sparkman
Kahn	Lundin	Parsons	Sperry
Keliher	McCredie	Patterson	Spight
Knapp	McHenry	Poindexter	Sturgiss
Kronmiller	McKinley, Ill.	Reid	Vreeland
Lafean	Maynard	Rhinock	Wallace
Langley	Miller, Kans.	Rucker, Colo.	Washburn
Law	Millington	Sherley	Willett
Legare	Morehead	Smith, Cal.	

The SPEAKER. Two hundred and ninety-nine gentlemen—a quorum—have answered to their names.

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MOON of Pennsylvania. Mr. Speaker, as I stated, it was agreed by unanimous consent that we should return this morning to section 28, on page 23, to consider an amendment then pending, offered by the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, at the end of section 28 as amended, substitute a colon for the period and add the following:

"*Provided further*, That no suit against a corporation or joint-stock company brought in a court of a State within the district in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its principal place of business or carries on therein its principal business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. GARRETT. Mr. Speaker, I presume that Members——

Mr. KENDALL. Before the gentleman proceeds with his argument, I want to inquire of the gentleman from Pennsylvania [Mr. MOON] if it is his purpose to allow the House, following the disposition of the amendment offered by the gentleman from Tennessee, to consider the other amendments that were proposed and the consideration of which was deferred.

Mr. MOON of Pennsylvania. No; the understanding was that those amendments should come to section 245 when we reach it.

Mr. KENDALL. That was my understanding, and I simply wish to confirm it.

Mr. MOON of Pennsylvania. They do not follow this.

Mr. KENDALL. There were some Members who thought they were to be considered now.

Mr. MOON of Pennsylvania. No; the only amendment pending to-day is the Garrett amendment.

Mr. GARRETT. Mr. Speaker, I presume that those Members who have been interested understand perfectly well what is designed to be accomplished by the proposed amendment. The sole purpose is to prevent the removal to the Federal courts of suits brought against a corporation in the courts of a State, upon the ground of diversity of citizenship. No other ground of removal is touched or sought to be touched. The ground of local influence or prejudice is left precisely as it stands to-day, and, of course, the jurisdiction which attaches in the Federal courts under the patent and copyright laws is untouched by this amendment. The only thing designed to be accomplished is the breaking up of the practice of removing from the State courts upon the mere ground of diversity of citizenship. If this amendment prevails it will practically restore the law to what it was prior to 1844. From the beginning of the Government until 1844, in the decision of the celebrated case of the Louisville Bridge Co. *v.* Letson, it was the uniform holding of the court, first announced by Mr. Justice Marshall while he was Chief Justice, that a corporation aggregate was not a citizen in the sense of the jurisdiction law of the United States, and that jurisdiction over a corporation did not attach merely because it chanced to be incorporated in a State different from that in which it was sued in the State courts.

But in 1844 this doctrine, followed for nearly 50 years, was overruled, Mr. Chief Justice Taney being on the bench, and the decision which he then delivered was eventually carried to its logical end, so that it was held that a corporation was conclusively presumed, or that the stockholders in a corporation were conclusively presumed, to be citizens of the State in which it was incorporated, and that therefore the corporation itself should be deemed to be a citizen in the jurisdictional sense, and could therefore remove to the Federal court upon the grounds of diversity of citizenship.

Now, Mr. Speaker, that practice thus established has been most woefully abused.

Mr. STANLEY. Mr. Speaker, the gentleman from Tennessee is discussing a matter of the very greatest importance to every Member of this House, and I make the point of order that the House is not in order.

The SPEAKER. The point of order is sustained. Gentlemen in rear of the seats will please retire to the cloakroom and cease conversation. The Sergeant at Arms will notify gentlemen standing to be seated or retire to the cloakrooms.

Mr. GARRETT. Mr. Speaker, the privilege thus given under the decision rendered has been woefully and most shamefully abused, and under this peculiar condition which has arisen the temptation exists always to organize a corporation in some State wherein it is not intended by the incorporators to carry on any part of the corporate business. The effect of this decision and these practices has been to place the foreign corporations upon an entirely different plane from the corporations of the State in the matter of the tribunal in which its litigation is to be adjusted. There are corporations in my own State—as, for instance, railroad companies—organized under the laws of other States that have twice the mileage that other companies organized under the laws of my own State have. Through the power of eminent domain they have condemned twice the land that the State corporations have condemned. They have twice the number of agents from the State engaged in the operation of their business. They enjoy twice the protection from the peace officers of the State that the other concerns enjoy, and yet, when challenged into court upon its contracts or its torts, the foreign corporation has an entirely different tribunal in which to answer from that to which the State corporation must answer.

[The time of Mr. GARRETT having expired, by unanimous consent his time was extended 10 minutes.]

I submit that there is nothing of equity, there is nothing of right in such a policy and such practice. This is not a radical amendment. It is a far-reaching amendment, but it is in no sense radical. It involves no attack upon any court or upon any corporation. It simply places corporations upon the same plane with respect to the tribunals in which they shall answer.

Now, Mr. Speaker, I do not care at present to occupy more time.

Mr. KOPP. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. KOPP. Does the gentleman think his amendment will entirely cure the evil complained of? I call his attention to this language:

In which it has its principal place of business or carries on therein its principal business.

Mr. GARRETT. I will say this——

Mr. MANN. I think the gentleman from Tennessee ought to explain his amendment in detail.

Mr. GARRETT. I will be glad to. That clause is but one of three conditions. I call the attention of gentlemen of the House to the wording of the amendment:

And provided further, That no suit against a corporation or joint-stock company brought (first) in the court of a State within which the plaintiff resides, or (second) in which the cause of action arises, or (third) within which the defendant has its principal place of business or carries on therein its principal business, shall be removed.

Either of these three conditions apply. For instance, without the first provision the plaintiff might elect to go into some State other than his own and bring suit. This first condition limits that. But the third condition remedies that limitation to the extent that if the plaintiff chooses to go into the State in which it carries on its principal business, even if it be not the State of his own residence, he may be permitted to go there and bring suit. I think the first condition unquestionably reaches the point I desire to make.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. GARRETT. I will, with pleasure.

Mr. CRUMPACKER. The Constitution fixes the right by diverse citizenship to remove a suit from a State court to a Federal court. Does this amendment determine the question of citizenship? Does it undertake to change the law as to actual habitation or residence of a corporation? The reason I ask this question is that my recollection is the Supreme Court of the United States has set aside statutes holding that corporations doing business there must agree before they enter the State that they will not remove suits brought against them from the State to Federal courts. The right to remove suits for diverse citizenship is a constitutional right, and there is no power in a State legislature to deprive a citizen or corporation of that right, and if a State legislature can not do it, of course Congress can not do it under the Constitution.

Mr. GARRETT. Mr. Speaker, I think the gentleman is mistaken in this. The courts have not held as a constitutional matter that the corporation was a citizen.

Mr. CRUMPACKER. That is the question I want to know, whether the effect of the gentleman's amendment was to indicate a citizenship.

Mr. GARRETT. The courts have held this, that the States can not interfere with the jurisdiction of the Federal courts where the Congress by legislation has given them jurisdiction. They have not held that in a constitutional sense the corporation is a citizen.

Mr. ROBINSON. Mr. Speaker, in connection with the reply which the gentleman from Tennessee [Mr. GARRETT] has made to the question of the gentleman from Indiana [Mr. CRUMPACKER], the courts uniformly hold that the right of removal is not a constitutional right, but is purely statutory, and that the Congress in the exercise of its power to define the jurisdiction of inferior courts created by it can either provide for removals, in which case removals may be made, or, if no statute is passed providing for removals, no removals can be made at all, and that the Constitution is not self-executing wherein it provides or contemplates removal.

Mr. MANN. Could Congress provide that red-headed men could have the right of removal and black-headed men should not?

Mr. ROBINSON. Undoubtedly Congress can provide for removals in specific cases and deny removals in other cases. It can provide for removals for some citizens of a certain class and deny removals to citizens of another class. I intend to discuss all of those propositions in a few moments, if I have the opportunity.

Mr. MANN. I hope the gentleman will, for I want to be convinced.

Mr. STANLEY. Mr. Speaker, if the gentleman from Tennessee will yield, I think the gentleman from Indiana [Mr. CRUMPACKER] possibly has confused cases of this kind which have been decided, not on the question of their constitutionality, but on the interstate-commerce clause of the Constitution. For instance, the legislatures of a great many States, including Kentucky, have passed laws providing that where foreign corporations arbitrarily remove causes from a State to a Federal court they should be denied the right to do business in these States for that reason. As to railroads, the Supreme Court of the United States held that such acts were unconstitutional, since it would interfere with commerce between the States, but as to insurance companies they held that the acts were valid, no question of interstate commerce being involved.

Mr. MANN. Does the gentleman mean by that that the Supreme Court of the United States has held that a railroad corporation incorporated in Indiana can go across into Illinois and run or own a railroad track?

Mr. STANLEY. It held that where a railroad company is incorporated in Illinois and runs through Kentucky the State legislature could not pass an act denying it the right to run through Kentucky on account of its having transferred a case to the Federal court from the State court.

Mr. MANN. They do not hold the Illinois corporation could run in Kentucky at all if Kentucky did not give them the right or prohibited the right. There are some States that will not permit a foreign railroad corporation to do business in the State.

Mr. STANLEY. That may be; but it held they could not reach it in that way.

Mr. MANN. I agree with the gentleman.

Mr. GARRETT. Mr. Speaker, the specific case I have in mind is an Iowa case. The State of Iowa passed an act providing that foreign corporations, before being permitted to do business, should file an agreement that they would not remove a case to the Federal court, and a railroad company there filed such an agreement. It went along and began doing business. It was sued in a State court and removed it to the Federal court, and plead that the statute was not binding upon it. The court held that it was not; that a State legislature could not deprive a corporation of its right to be adjudged in courts where Congress had given jurisdiction.

Mr. MANN. Could not abridge the right of a corporation to have its case removed to the Federal court?

Mr. GARRETT. Yes.

Mr. MANN. But could abridge the corporation from its right to transact business in the State at all?

Mr. GARRETT. Yes; that is all it held. They did not pass on the question of whether it forfeited its right by virtue of removal.

Mr. MANN. Will the gentleman yield for a question with reference to the language of his amendment?

Mr. GARRETT. Certainly.

The SPEAKER pro tempore (Mr. OLMSTED). The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman may have 10 minutes more.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The language of the gentleman's amendment is:

No suit against a corporation or joint-stock company brought in a court of a State within the district in which the plaintiff resides, etc.

What does that mean? What does the word "district" mean there? Does it mean the State has to be in the district or the court has to be in the district; and if so, what district?

Mr. GARRETT. That has reference to the district court of the United States—the judicial district.

Mr. MANN. There is nothing to indicate that. You have a reference to the State court. The language might mean it was a State within a United States district. If it means the State within a United States district, there are a great many States where the State is not in a district. If it means a court in a district, it certainly would not refer to a State court in the United States district.

Mr. GARRETT. It has reference to the judicial district in which the plaintiff resides.

Mr. MANN. What judicial district? Lots of States have State judicial districts. Is that what the gentleman means?

Mr. GARRETT. No. This is, of course, the Federal district.

Mr. MANN. Why should the gentleman make any distinction in the State? The gentleman recognizes if the plaintiff brings suit and lives in the State, whether he happened to live in the judicial district in which he brings suit or not, he may get service on the defendant in another Federal district.

Mr. GARRETT. I will say to the gentleman I do not see any particular reason why it should be this way.

Mr. MANN. This language, the gentleman will see, is ambiguous.

Mr. GARRETT. Perhaps the gentleman is correct.

Mr. SABATH. The word "State" should be substituted instead of the word "district."

Mr. MANN. The word "State" is there now, but I do not know whether it refers to one or the other.

Mr. GARRETT. If we should strike out the words "within the district," that would meet the gentleman's objection, would it not?

Mr. KEIFER. Will the gentleman allow me to suggest the district referred to is such as now may be fixed by law? That includes the whole district, whether in the State lines or not.

Mr. HARDY. Mr. Speaker, the gentleman's amendment is perfectly clear to me, and my construction is that the gentleman's amendment means the plaintiff must bring his suit in the State court within the State in which he resides. For instance, the judicial district covering my home is the thirteenth judicial district. I take it this amendment means if I bring a suit against a corporation in Texas, I bring it in the State court of the thirteenth State judicial district. It does not seem to me it is——

Mr. GARRETT. It may be capable of that construction, but that is not the real intent. Here is the intent, I will say to the gentleman: It is attempted to provide that the plaintiff must bring a suit in the Federal district, in some court of the district in which the plaintiff resides, and he shall not be permitted to go to another State.

Mr. HARDY. I agree he should not be permitted to go to another State, but I think you make an error in letting the Federal district have anything to do with a suit in a State court.

Mr. GARRETT. I have no objection to striking those words out, as far as I am personally concerned.

Mr. STANLEY. If the amendment read, "that no suit against a corporation or joint-stock company brought within the circuit court of the district in which the plaintiff resided or in which the cause of action arose," it would be perfectly plain.

Mr. MANN. Lots of States do not have circuit courts at all.

Mr. MARTIN of South Dakota. Let me ask the gentleman from Tennessee, if he leaves out the words "the district in," does not that accomplish what he seeks to do?

Mr. GARRETT. I am perfectly willing to do that.

Mr. MARTIN of South Dakota. It seems to me the words are confusing.

Mr. GARRETT. It might be, and I am perfectly willing to leave them out. I do not think it is a matter of any importance at all.

Mr. HAMMOND. You mean by the district the judicial district of the State?

Mr. GARRETT. What was in my mind was the Federal district.

Mr. HAMMOND. It seems to me if you should indicate the district of the State, it might be amended by inserting the word "judicial" before the word "district," making it read:

In the judicial district thereof where the plaintiff resides.

Mr. GARRETT. Here is the purpose, I will say to the gentleman, I had in mind: For instance, in Tennessee we have two or three Federal court districts; I am using this merely as an illustration. Now, the idea was that a suit brought by the plaintiff in the district in which he lived might not be removed to the Federal court.

Mr. HAMMOND. Will the gentleman explain why it is necessary in the cases to be brought in the State court that that State court should be located in any Federal district?

Mr. GARRETT. The purpose of it was that the plaintiff should, at least, bring it in the neighborhood in which he lives; that he should not be permitted to go all over the State.

Mr. HAMMOND. In the judicial district of the State?

Mr. HARDY. In other words, you are seeming to be governed by the Federal jurisdiction, although you are bringing it to apply to a suit in a State court. Your provision ought to authorize the plaintiff to bring a suit in a State court in the judicial State district in which he lives.

Mr. GARRETT. The gentleman has suggested striking it out, and, as I think the purpose will be accomplished that is in the mind of all, I have no objection at all to striking out the words "within the district."

Mr. MARTIN of South Dakota. The transfer statutes thus far, as I recall, have always depended on the residence of the party in the State, and not any particular part of it, and I think the gentleman's amendment would be much more in agreement with the general statutes if he leaves those words out altogether.

Mr. GARRETT. I am perfectly willing to leave that out. I do not think it will make any difference.

Mr. HUBBARD of West Virginia. Ought not the words "in the district in which the plaintiff resides" to be stricken out? Ought the right of removal to be denied merely because the plaintiff resides in the district, although the principal place of business of the defendant may be elsewhere, and although the cause of action may have originated elsewhere? In other words, if a plaintiff, residing in the State of Tennessee, goes to New York, engages in a transaction with a corporation whose principal office is in New York, and then by reason of some law of Tennessee gets jurisdiction in some way of that foreign corporation which does not have its principal office in Tennessee, in which State the cause of action did not arise, ought in that case the right of removal to be denied? Is not the purpose of the gentleman fully reached by the provision that removal shall be denied if the principal office of the defendant corporation be in the State, or if the cause of action arose in the State?

Mr. GARRETT. No, sir.

Mr. HUBBARD of West Virginia. It does not seem to me, sir, that there is any propriety in denying a removal of a case to a Federal court where the cause of action did not arise in the State, where the defendant did not have its habitat in the State, but simply because, when the transaction arose elsewhere and the defendant resides elsewhere, the plaintiff has had under some provision of local law the opportunity of getting jurisdiction of that corporation. That is a case which, it seems to me, ought to be removed, if the defendant so desires, even although there ought to be no removal, if the cause of action arose in the plaintiff's State, or if the defendant resided there.

Mr. GARRETT. I do not concur with the gentleman in his reasoning about this matter.

Mr. SIMS. I would like to ask my colleague a question. I would like to ask, if the amendment the gentleman proposes should become permanent law, would it not in a measure relieve the United States district court of much work that they now have to do, and remove one ground that is put forth now for an increase in salaries?

Mr. GARRETT. It would, unquestionably. Now, another thing. The House has once passed this legislation——

Mr. STANLEY. I suggest that a slight change in the language in the first two lines will make it absolutely plain and so that it can not be misunderstood, namely—

That no suit against a corporation or joint-stock company brought in a court other than a Federal court in which the plaintiff resides, etc.

Mr. MANN. That would just read the wrong way. If a man brought the suit in the Federal court in which he resided then they could remove the case.

Mr. STANLEY. In the general place of business, I understand, the gentleman from Tennessee wants.

Mr. MANN. But the gentleman says "other than the district in which the plaintiff resides."

Mr. STANLEY. Being, I understand, in a court other than the Federal court to which he belongs.

Mr. MANN. That is the same thing; to bring it in a district in which he does not reside, then there is no removal.

Mr. STANLEY. It makes other provisions there also.

Mr. MANN. You will have to change that.

Mr. GARRETT. I think the purpose will be fully met by following the suggestion of the gentleman from South Dakota in leaving out the words "and district in."

Now, Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. ROBINSON] may proceed for 30 minutes.

Mr. HARDY. Before that is done, will the gentleman permit me one suggestion? This whole ambiguity, if it is an ambiguity, can be cured by inserting after the word "district" the word "thereof," so that it will apply to his judicial district and require that they shall bring suit in the judicial district of the State in which he lives.

Mr. GARRETT. I will consider that.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the gentleman from Arkansas proceed for 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, three amendments have been printed in the RECORD relating to removal of causes from State to Federal courts in specific instances.

The amendment first offered by the gentleman from Tennessee deals with the subject differently from the other two amendments. It effects removals by defining the term "citizenship." The other two amendments, including the one offered by the gentleman from Texas [Mr. STEPHENS] and the proposed substitute offered by the gentleman from Tennessee [Mr. GARRETT], deal with the subject from a jurisdictional standpoint.

In my judgment, after a somewhat extended investigation of the matter, I believe that the latter is the better way to deal with it, because no question can then be raised as to the power of Congress to pass this legislation. Congress may not have the power to change the definition of the term "citizenship" used in the Constitution of the United States. Now, I have very grave doubts, after considering the subject carefully, whether Congress can change that definition and thus indirectly effect the removal.

I want to discuss this subject under two heads: First, with reference to the power of Congress to pass this legislation, for it has been argued here that there is a grave question as to whether Congress has the power to enact the legislation; and, second, with reference to the wisdom of the policy of such legislation.

It has been suggested that inasmuch as the Constitution provides that "the judicial power of the United States shall be vested in a Supreme Court and such inferior courts as Congress may from time to time establish," and inasmuch as the Constitution further provides that the judicial power of the United States shall extend to causes arising between citizens of different States, the right of removal of causes is a constitutional right, and, therefore, it can not be effected materially without an amendment to the Constitution.

The whole difficulty is settled when it is asserted and established that the right of removal is not a constitutional right, but that it is purely a statutory right. In my examination of the cases relating to this subject I have found no case which establishes or asserts a different doctrine. The authorities are strangely uniform on the subject. All the Federal courts, including the Supreme Court of the United States, have held repeatedly that the right of removal is statutory, not constitutional. Mr. Dillon, in Black's Dillon on Removal of Causes, says that the right of removal may be derived from the Constitution, but that that feature of the Constitution is not self-executing, and therefore the proceeding is statutory. Another case, in the Federal Reporter, which I cite in the brief which I will print with these remarks, lays down the same doctrine; and in order that gentlemen may know that I am not stating my conclusions on the authorities so much as the authorities themselves I will proceed to read a few of those I have collected relating to this very important subject:

CAN CONGRESS DENY TO CORPORATIONS THE RIGHT TO REMOVE CAUSES FROM STATE COURTS TO FEDERAL COURTS ON THE GROUND OF DIVERSE CITIZENSHIP?

It is contended by some gentlemen here that inasmuch as the Constitution provides (Art. III, sec. 1) that "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish * * *;" and (Art. III, sec. 2) "The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, * * * to controversies between citizens of different States * * *;" that the right of removal on the ground of diverse citizenship is a constitutional right which Congress can not deny to a corporation.

This contention is founded neither in justice nor wise policy. No well-considered cases can be cited to sustain it and all the authorities are against it. Moreover, it is against reason, for even if the right of removal were a constitutional right the provision could not be self-executing, and in the absence of legislation by Congress would be ineffective. It is clear that since the power to create inferior courts and to define their jurisdiction is vested by the Constitution in Congress, that body can either grant or withhold jurisdiction in a particular case. Prior to the adoption of the Constitution each of the original States had exclusive and absolute jurisdiction in all cases between parties over whom it could exercise jurisdiction. (Tennessee *v.* Davis, 100 U. S., p. 257; Plaquemines Fruit Co. *v.* Henderson, 170 U. S., p. 517.)

Paraphrasing the language and the argument of the last above-cited case, the extension of judicial power by the Federal Constitution to specified cases and controversies did not of itself withdraw from the States the power to determine by their courts all cases to which the judicial power of the United States was extended and of which jurisdiction was not given to the national courts exclusively.

This was the view asserted by Mr. Hamilton in the Federalist. The arguments of this remarkable man seem to have found their way into the opinion of the Federal courts, so closely do these opinions follow his reasoning.

In Federalist No. 82 Mr. Hamilton said in part:

> The principles established in a former paper teach us that the State will retain all preexisting authorities which may not be exclusively delegated to the Federal head, and that this exclusive delegation can only exist in one of three cases—where an exclusive authority is in express terms granted to the Union, or where a particular authority is granted to the Union and the exercise of a like authority is prohibited to the States, or where an authority is granted to the Union with which a similar authority in the States would be utterly incompatible. Though these principles may not apply with the same force to the judiciary as to the legislative power, yet I am inclined to think that they are in the main just with respect to the former as well as to the latter. And under this impression I shall lay it down as a rule that the State courts will retain the jurisdiction they now have unless it appears to be taken away in one of the enumerated modes.

Chancellor Kent, in his Commentaries (vol. 1, p. 400), asserts the same doctrine clearly:

> The conclusion then is that in judicial matters the concurrent jurisdiction of the State tribunals depends altogether on the pleasure of Congress, and may be revoked and extinguished whenever they think proper in every case in which the subject matter can constitutionally be made cognizable in the Federal courts, and that without an express provision to the contrary the State courts will retain a concurrent jurisdiction in all cases where they had jurisdiction originally over the subject matter.

This would seem to be conclusive. The granting of original jurisdiction to the Supreme Court in all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party did not exclude the jurisdiction of other courts of the United States in the cases mentioned. (Gettings *v.* Crawford, Tawney's Dec., 1, cited with approval in Plaquemines Fruit Co. *v.* Henderson, 170 U. S., p. 518.)

In the last-mentioned case (170 U. S., p. 518) the Supreme Court said:

> If the clause just quoted is not to be interpreted as giving this court exclusive jurisdiction in cases affecting consuls, upon like grounds it can not be interpreted as giving this court exclusive jurisdiction in suits instituted by States simply because of the provision giving the Supreme Court original jurisdiction where the State is a party. (See also Ames *v.* Kansas, 111 U. S., p. 464.)

In Robb *v.* Connoly (111 U. S., p. 636) it was said that Congress has taken care not to exclude the jurisdiction of the State courts from every case to which by the Constitution the judicial power of the United States extends.

RIGHT OF REMOVAL IS STATUTORY.

The authorities uniformly support the doctrine that the right of removal is statutory and that Congress can prevent all removals of causes from State courts to Federal courts. It is not even necessary to expressly forbid removals in order to do this.

The same end would be accomplished by repealing the acts of Congress providing for removals. If that were done, all causes instituted in State courts of which courts of the United States have concurrent jurisdiction would be tried in the State courts. The textbooks and the cases are harmonious in affirming the doctrine that the right of removal is statutory.

In Insurance Co. *v.* Pechner (95 U. S., p. 185) the court said:

> The right of removal is statutory. Before a party can avail himself of it he must show upon the record that his is a case which comes within the provisions of the statute.

In Gold Washing & Water Co. *v.* Keyes, Mr. Chief Justice Waite begins the opinion as follows:

It is well settled that in the courts of the United States the special fact necessary for jurisdiction must in some form appear in the record of every suit, and that the right of removal from the State courts to the United States courts is statutory. A suit commenced in a State court must remain there until cause is shown under some act of Congress for its transfer. (96 U. S., p. 201.)

The same doctrine is announced in Babbitt *v.* Clark (103 U. S., p. 610), where the Supreme Court said:

The right to remove a suit from a State court to the circuit court of the United States is statutory, and to effect a transfer of jurisdiction all the requirements of the statute must be followed. If this is done, the controversy is brought properly within the jurisdiction of the circuit court and may lawfully be disposed of there; but if not, the rightful jurisdiction continues in the State court.

In Martin *v.* Carter (48 Fed., p. 599) the court announced the same doctrine substantially:

Although the Constitution may give this right of removal, yet the Constitution does not act by its own vigor in such matters. There should be legislative action carrying this provision of the Constitution into effect and pointing out the mode in which this right can be effectuated. Without this, a removal of a cause from a State to a Federal court can not take place.

Winnemans et al. *v.* Eddington et al. (27 Fed., p. 326) expresses the same doctrine:

The right of removal is purely statutory. The State court is in duty bound to retain jurisdiction, unless the party seeking a removal shows upon the record in that court a legal right of removal.

In further support of this doctrine, I cite Black's Dillon on Removal of Causes (sec. 14), strongly reaffirming the theory that the right of removal is statutory, and the Constitution does not act of its own vigor; that legislation is necessary to carry it into effect; that Congress may grant, limit, or withhold the jurisdiction over removal of cases; and that no such jurisdiction can be exercised further or otherwise than as the acts of Congress specify; that the Constitution can not be relied on to supply any omissions from the statutes.

Moon, on Removal of Causes (sec. 29), lays down the doctrine that—

No one has a constitutional right to remove a cause from a State court to a court of the United States; that Congress may confer a right to remove such causes as it sees fit within the limits to which the right of removal may be extended under the Constitution.

In Manley *v.* Olney (32 Fed., p. 708) it is said:

Congress may, therefore, grant or withhold altogether jurisdiction over removal cases. The jurisdiction which it has power to grant, it has power to withdraw. If the right of removal was a vested right of property, quite different considerations would apply. But it is not so. It is simply a privilege of having the case tried in some other than the State tribunals. There is no property in it.

Many other cases are cited in footnote 4 to the text (Moon on Removal of Causes, sec. 29, p. 32) sustaining the doctrine that the inferior courts established by Congress derive their jurisdiction from the statutes and have no jurisdiction between party and party, but such as the statute confers. Whether you distinguish between "judicial power" as derived from the Constitution and "jurisdiction" as defined by the Congress, the result is the same.

If a statute provides for removal of causes of which the State courts and the Federal courts have concurrent jurisdiction, removals may be made by a compliance with the statutes, but not otherwise. If no removal statute exists, removal can not be made. If the statute forbids removals in particular cases, no removals can be made of cases coming within the prohibited class, and the State courts must retain such causes.

In view of the many authorities, some of which I have cited, and the uniformity of their doctrine, it can not be doubted that the same end may be accomplished by the adoption of the second or substitute Garrett amendment, or by the adoption of the amendment offered by the gentleman from Texas [Mr. STEPHENS] and printed on the same page of the RECORD of Wednesday, January 11, as follows:

SEC. 24. That the district and circuit courts of the United States shall not take and have original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent laws or copyright laws and in like cases in which courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing herein contained shall prevent a citizen of another State from suing a corporation in the State of its domicile: *And provided further*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

Neither of the two amendments to which I have referred will prevent the removal of causes from State courts to Federal courts as to corporations created by Congress or deriving their existence from Federal authority.

Mr. MARTIN of South Dakota. Before the gentleman passes from the discussion of the legal phases of the question I would like to make an inquiry. He has cited the authorities upon the proposition that the right of removal is purely statutory and not constitutional. Has he considered the question whether Congress, while having the authority to provide for removal or not in its discretion, can provide for removal in a certain class of cases, as to a certain class of litigants, and not provide for removal as to another class of litigants?

Mr. ROBINSON. I think the authorities I have cited cover that absolutely; that Congress is vested with plenary power to define in what cases removals may be made and what classes of litigants may be affected by the removal.

Mr. MARTIN of South Dakota. As between citizens——

Mr. GARRETT. Let me suggest to the gentleman that Congress has fixed the amount which gives Federal jurisdiction, which has been changed.

Mr. MARTIN of South Dakota. As between citizens in fact, not theoretical citizenship, I think it would be quite doubtful whether, under the fourteenth amendment to the Constitution, in showing to each citizen equal protection of the laws, it would be constitutional for a State to pass a law, or whether we could make provision for removal as to a certain class of citizens—and by that I mean natural, living citizens—that would be denied to others.

It would raise, perhaps, a serious question; but I think there is a clear line of distinction between the authorities as to personal citizenship and as to corporations which are purely creatures of the law.

Mr. ROBINSON. Undoubtedly that distinction does exist, but the question which the gentleman asks is not directly relevant to this issue, because this is not an effort to change the law of removals as it relates to individuals or citizens proper; but I have no objection to stating that I think the conclusion is inevitable from the authorities which I have cited that Congress has absolute power over the subject and can make such provision as it wants to, and any person seeking removal must bring himself absolutely within the terms of the statute. But that is entirely academic, and I would rather not consume my time on a question that does not immediately affect this amendment.

Mr. MARTIN of South Dakota. Whether we have the authority to make this amendment may be academic—personally I believe we have—but I believe this question we are legislating on is in reference to corporations, instead of making a distinction between citizens.

Mr. ROBINSON. Even if we have not the power to distinguish between citizens, of which there may be a question, I make the point that we are not here trying to affect the rights of individual citizens as to removals, but this amendment goes solely to corporations. Therefore I think the discussion of the power of Congress to prescribe methods of removal for some individual citizen and not provide for other classes of citizens is academic, and does not relate to the subject matter of this controversy.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. ROBINSON. Certainly.

Mr. PARSONS. As I understand it, the theory upon which the corporation was regarded as the resident of the State where the incorporation was had was on the presumption that the stockholders of the corporation were all residents of that State.

Mr. ROBINSON. And that that was conclusive.

Mr. PARSONS. But it was later that it was said that the presumption was conclusive. Now, I wish to put this case: Suppose a corporation incorporated under the laws of New York, with three stockholders, all citizens of New York, should be sued by a citizen of the State of Arkansas in the Arkansas local court. Under the Constitution could not that case be removed to the Federal court on the ground that all the people on the other side of the case were citizens of another State?

Mr. ROBINSON. If the suit was brought against individuals it unquestionably could, but if brought against the corporation in a corporate capacity it could not if this amendment is adopted.

Mr. PARSONS. What I want to get at is whether we can say that under this case the New York corporation is not a citizen of New York. Of course, that is an extreme case.

Mr. ROBINSON. The gentleman has come to the point I referred to in my opening remarks, that in defining citizenship we may get on dangerous ground; but the Congress has full power to deal with jurisdiction and determine the jurisdiction of the inferior courts which it has established.

Mr. PARSONS. Can it discriminate between different classes of citizens? I admit that it can in the amount of money that is involved, but can it say that if these citizens of New York do

business through the form of a New York corporation they lose their right under the Constitution to remove the case to the Federal court?

Mr. ROBINSON. Undoubtedly, unless the suit is against the stockholders as individuals.

Mr. PARSONS. Has the gentleman any authority which covers that point? I have read some cases, but I have read none that goes as far as that.

Mr. ROBINSON. If I understand the gentleman's proposition, the textbooks lay down the doctrine that a corporation was formerly supposed to be a citizen of a State wherein resided the stockholders; but that has been abandoned, and the Supreme Court now holds that the corporation, without regard to the residence of the stockholders, is a citizen of the State wherein it was created.

Mr. PARSONS. Has it gone so far that even if we should pass this legislation citizens of New York composing the corporation in the case I supposed can not raise the point that they are citizens of New York and doing business in this form, and therefore have the right to remove the case to the Federal court?

Mr. ROBINSON. I have stated that no removal could be had, if this amendment is adopted, under those circumstances, if the suit was purely against the corporation.

Mr. PARSONS. Has the gentleman any case that goes so far as to cover the particular case I have mentioned?

Mr. ROBINSON. I think all the cases go that far. I think the courts make no distinction now with reference to the residence of stockholders. I think the correct doctrine, and the law now is, that the citizenship of a corporation is in the State where it is created, without regard to citizenship or the residence of the stockholders in the corporation and without regard to their respective interests.

Mr. KOPP. Does the gentleman know any case in which the court inquires into the residence of the stockholders?

Mr. ROBINSON. I do not.

Mr. MOORE of Pennsylvania. Oh, yes; in the early case of Deveau, because there was an irrebuttable presumption.

Mr. ROBINSON. I mean in recent cases, since the abandonment of that doctrine.

Mr. MOON of Pennsylvania. It is because there is an irrebuttable presumption.

Mr. KOPP. Is that still the law?

Mr. MOON of Pennsylvania. Yes. The law to-day is that it is a presumption and an irrebuttable presumption.

Mr. KOPP. Then if that is true, is there any difference between the example cited by the gentleman from New York and any other case?

Mr. ROBINSON. The residence of a corporation is now presumed to be in the State where it is created.

Mr. MOON of Pennsylvania. And it is irrebuttable.

Mr. ROBINSON. Yes; it is not now presumed that the citizenship of the corporation is in the State of its stockholders.

Mr. KOPP. Would there be any distinction between any case and the hypothetical case cited by the gentleman from New York [Mr. PARSONS]?

Mr. ROBINSON. Absolutely none. I thank the gentleman for expressing it in better language than I can. There would be no distinction between that case, in my judgment, and the many cases that I have cited.

With reference to the policy of adopting this amendment, the gentleman from Tennessee [Mr. GARRETT] has heretofore presented that issue with great skill. His arguments are to me persuasive, conclusive. The forcible manner in which he has presented the matter and the persistency with which he has pressed this amendment make it difficult for me to add anything of value on this feature of the subject to what he has so well said.

THE LEGISLATION CONTEMPLATED BY THESE AMENDMENTS IS JUST IN ITS PURPOSES AND WISE IN ITS POLICY.

It responds to a demand from litigants and lawyers that is well-nigh universal.

Neither of the two amendments to which reference is made will prevent the removal of causes from State courts to Federal courts by corporations created by Congress or deriving their existence and powers from national legislation. Such corporations can continue to obtain removals, if either of these amendments is adopted, as suits against them are held to be "cases arising under the laws of the United States." Neither of these amendments either expressly or impliedly reach that class of corporations. The amendment printed in the RECORD by the gentleman from Tennessee, as a probable substitute for his amendment, expressly provides that its application shall be limited to removals on the ground of diverse citizenship. Since removals by corporations created by Congress may be made on other grounds, namely, that of cases arising under laws of the United States, it can not effect removals by such corporations.

The amendment proposed by the gentleman from Texas applies only to corporations "created under the laws of any State." Corporations created by Congress are not within that class and would not be prevented from making removals on the ground that suits against them are cases "arising under the laws of the United States."

The pending amendment, offered as a substitute for the Garrett amendment, differs from the Stephens amendment, among other things, in that it does not deny to the corporation when bringing a suit the right to choose between the State and the Federal court. It in nowise changes the tribunal before which suits may be brought by corporations under existing law. It leaves them free to institute proceedings in either the State or the Federal courts and does not affect the right of removal in cases brought by corporations. The amendment applies only to suits against them. The Stephens amendment denies to Federal courts in the cases specified jurisdiction both as to suits for and against corporations. In this respect it is broader and more far-reaching.

There is yet another difference between these two amendments. In the first, removals on the ground of diverse citizenship are forbidden in three classes of suits brought against corporations or joint-stock companies, as follows:

First. Where the suit is brought in the State court within the district in which the plaintiff resides.

Second. Where the suit is brought in the State court within the district in which the cause of action arose.

Third. Where the suit is brought in a State court within the district in which the defendant has its principal place of business.

It may here be observed that the words "within the district" are somewhat ambiguous and might mean either the Federal judicial district or the State judicial district. I take the former construction and not the latter to be correct.

The Stephens amendment includes no such limitation, and is, therefore, in this respect broader. The adoption of either amendment will relieve much of the difficulty and respond to many of the complaints against the present system. In so far as forbidding corporations now having the right to choose their tribunal to bring their suits in either State or Federal courts is concerned, I do not know that that is materially objectionable. The large classes of cases in which hardships are so often imposed on litigants by removals is in actions against corporations for personal injuries, which are usually brought in State courts and either in the district of the plaintiff's residence or in the district where the cause of action arose.

Lawyers throughout the country recognize the necessity for a change in the law relating to the removal of cases from State to Federal courts. In some localities the distance necessary to be traveled by litigants and witnesses in order to reach the Federal court is so great and the expense so enormous as to operate as a denial of justice. This distance is in some cases as much as 250 miles. Persons who are unused to traveling—citizens of small means—are greatly embarrassed when required to journey so far to attend court, and they will refrain from suing or abandon their rights aftentimes before suffering the anxiety, inconvenience, and expense absolutely necessary to get to court and to have their cases tried in the Federal court. Lawyers representing corporations know this. Removals are always made where possible. The corporation is able to meet the expenses; the citizen is oftentimes unable to do so. The difference in distance amounts to little or nothing to the corporation and to its attorneys. It frequently has means of free transportation for its attorneys and witnesses, while the citizen is compelled to pay his own expenses, which are sometimes so great as to intimidate him into abandoning his case. These are matters that have come within the experience of every lawyer here. All of us have represented one side or the other of cases where removal of the same have worked these hardships. No substantial reason exists why the change should not be made. It is the policy of our laws, and that policy is founded in reason, convenience, and justice, to try cases in the vicinity of where the cause of action arose.

Mr. KOPP. Will the gentleman yield for just a moment? I have just come in, and if the gentleman from Arkansas [Mr. ROBINSON] has covered the ground, he may say so; but has the gentleman discussed this phase, that if this amendment is adopted, it prevents the corporation, if defendant and sued by an individual citizen, from removing the cause, but if the corporation is plaintiff and sues another party as an individual defendant, he can then remove?

Mr. ROBINSON. In the amendment now under consideration, but under the Stephens amendment that could not be done,

because the Stephens amendment forbids the Federal courts from taking jurisdiction of suits brought either for or against the corporation.

Mr. KOPP. Does the gentleman think it would be constitutional to say to the corporation that it could not take a removal if defendant, but that the individual might, if he thought proper and was defendant? In other words, hold the corporation a citizen if plaintiff but not if defendant?

Mr. ROBINSON. I do not hear the gentleman's question.

Mr. KOPP. Suppose a man is injured, an employee of a railroad company, and he sues that company. Now, if this becomes law, the railroad company could not remove the case from the State to the Federal court. But suppose, on the other hand, the railroad company had cause to sue an individual, an employee, for misappropriation of funds or otherwise, could the employee remove that cause if he saw fit?

Mr. ROBINSON. He could on the ground of diverse citizenship if the necessary conditions existed.

Mr. KOPP. What about the constitutionality of that legislation?

Mr. ROBINSON. I think it constitutional. It would not contravene any provision of the Federal Constitution.

Mr. KOPP. We have denied that right to the corporation on that ground by this amendment, if adopted.

Mr. ROBINSON. It is unquestionably within the power of Congress. The corporation has the option of bringing the suit in either the State or the Federal court, and it would be no denial of justice to prevent it from removing if it chooses to bring a suit in the State court. That is a complete answer, in my judgment, to that proposition.

It has been said that State courts are unfavorable to corporations. In reply to that I observe that some text writers of great authority have declared that Federal courts are partial to corporations. I believe that our judicial tribunals are the most incorruptible and impartial institutions which have been established and maintained. I have confidence in them. They are and must always be, under our system of Government, the last resort for the oppressed. State courts are as fair and as just as Federal courts. They are more accessible and less expensive. I would strengthen the courts in the affections and confidence of the people by removing the anomalous conditions which sometimes arise by reason of "judge-made" law.

No substantial argument can be offered in opposition to this amendment. Gentlemen of the House have practically conceded its merit and its justice. They know the necessity for its adoption. There is no question as to the power of Congress to enact it. It is certain that the public demand it, and that it is wise to adopt it. [Applause.]

The amendment was amended and adopted in the following form:

On page 23, at the end of section 28 as amended, substitute a colon for the period and add the following:

"*Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its place of business or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. MOON of Pennsylvania. Mr. Speaker, I move that all debate on this section and amendments thereto close in 10 minutes, of which I would like to occupy five.

Mr. DOUGLAS. I would like to have a few minutes, if I may.

Mr. MOON of Pennsylvania. How much times does the gentleman ask?

Mr. DOUGLAS. Perhaps I will not ask any, if the gentleman will defer his suggestion for a moment, in order that I may put a question to the gentleman from Tennessee [Mr. GARRETT]. Would the gentleman from Tennessee, if he can obtain permission by unanimous consent, be willing to amend his amendment so as to read:

That no suit against a corporation or joint-stock company brought in a court of a State within the judicial district thereof.

Mr. GARRETT. I will say to the gentleman I am going to ask unanimous consent to amend the proposed amendment by making it read:

Provided, That any suit against a corporation or joint-stock company brought in a State court in the State in which the plaintiff resides, etc.

Mr. MOON of Pennsylvania. Now, I renew my application and ask that all debate on this question and amendments thereto be closed in 15 minutes, 5 of which I would like to have at the close.

Mr. MARTIN of South Dakota. I would like to have five minutes.

Mr. DOUGLAS. I want to offer an amendment to the amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all debate on this section and all amendments thereto be closed in 15 minutes. Is there objection?

Mr. MADISON. What section is that?

Mr. MOON of Pennsylvania. Section 28. No other amendment is germane to it but this one. We passed it and returned to it for this purpose; at least I know of none.

Mr. STEPHENS of Texas. Will the chairman permit me to make a suggestion? I have an amendment which was offered as a substitute for the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. If this amendment is passed, I will withdraw my substitute. The difference between the two is not very material. His amendment, as I understood it, applies to cases against corporations now pending in State courts and prevents their removal to the Federal courts under certain conditions. My amendment prevents the assumption of jurisdiction by Federal courts of the same class of cases that may come before them; hence the Garrett amendment and my substitute present two different methods of accomplishing the same purpose, and I shall not offer my amendment if the gentleman's amendment is adopted. My amendment is as follows:

The district and circuit courts of the United States shall not take and have original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent laws or copyright laws and in like cases in which courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing herein contained shall prevent a citizen of another State from suing a corporation in the State of its domicile: *And provided further*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

Mr. MADISON. I have no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks that all debate upon this section and all amendments thereto be closed in 15 minutes, of which five minutes are to be occupied by himself, five by the gentleman from Kentucky [Mr. STANLEY], and five by the gentleman from South Dakota. Is there objection?

Mr. DOUGLAS. Mr. Speaker, reserving the right to object, I would like to have one minute to offer an amendment and say one word about it. I ask, therefore, that the gentleman amend his request by making it 17 minutes, so that I may have two minutes.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania modify his request accordingly?

Mr. MOON of Pennsylvania. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by adding, after the word "suit," in the first line of the amendment, the following words: "for damages for personal injury."

Mr. DOUGLAS. The object of this amendment, I will say to the members of the committee, is simply to limit this restriction to suits for damages for personal injuries. In other words, to leave the right of removal for the reason of diverse citizenship as it is now, except so far as it applies to what I believe to be one growing and apparent abuse of this right to remove, and that is to limit the right of removal to suits for personal injury.

Mr. MOON of Pennsylvania. Does not the gentleman know that is existing law?

Mr. DOUGLAS. I know it is not.

Mr. MOON of Pennsylvania. On all damages arising from personal injuries there is now an appeal——

Mr. DOUGLAS. But that has nothing to do with the right of removal. There are three railroads running through my county—two incorporated under the laws of Ohio, one under the laws of Virginia—and a suit for more than $2,000 damages against the Virginia corporation is immediately removed to the United States court. But this provision will not relate solely to railroad corporations. We all know a plaintiff in a case for personal injury is, as a rule, an indigent person; and I believe if amended in this way this amendment would be a long step in the right direction, and perhaps it would be well to progress step by step instead of cutting out the whole right to remove on the ground of diverse citizenship. Yet I must con-

fess that I am in sympathy with the general purpose of this legislation.

Mr. MANN. Has the gentleman examined the provisions of the law recently passed about the limitation of liabilities?

Mr. DOUGLAS. That does not relate to the removal of causes——

Mr. MANN. But there is something provided in reference to the removal of causes.

Mr. DOUGLAS. I think not, and I went out a few minutes ago for the purpose of examining it, and I think the gentleman is mistaken.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. I can give it to the gentleman. It says:

Provided, That no case arising under an act entitled "An act relating to liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction, shall be removed to any court of the United States.

Mr. DOUGLAS. That is it—"arising under that act." But what about suits at common law, or arising under State statutes? The gentleman will admit, I am sure, that such suits are not included in the paragraph read.

Mr. STANLEY. Mr. Speaker, this amendment is in perfect keeping with the spirit of the law. It does not violate in any way or limit in any way the intent of the makers of the Constitution to guarantee certain rights and protection to citizens of different States. For more than 40 years after the adoption of the Constitution a corporation was not a citizen in the sense that it could take advantage of the provisions of that instrument giving Federal courts jurisdiction of causes arising between citizens of different States.

The early decisions of this question gave to the corporations the rights which were then exercised by individuals, on the presumption that the incorporators and stockholders of corporations, then few and small, were citizens of the State in which the corporations were organized. At the time these decisions were rendered, we knew nothing of corporations doing a great interstate-commerce business, and we were absolutely innocent of this practice of creating a foreign corporation by securing a charter in some State where the incorporators had no residence and transacted no business. The purpose of the law was to prevent such an injustice as might arise from any prejudice which once existed, and, thank God, exists no more, as between a citizen of Maine and a citizen of Florida. It was to guard against the possibility of sectional prejudice percolating into judicial findings.

Now, there may be prejudices between citizens of different States arising from opinion or temperament, or characteristics attributable to individuals and due to residence in a particular section, but that prejudice can not, in the nature of things, apply to a corporation. The prejudice, if such exists, against a corporation is not on account of its citizenship, but on account of its size or its practices. The majority of foreign corporations are now made so for the purpose of exercising this power of diverse citizenship, to avoid State courts having jurisdiction of the incorporators of the corporation, and all other parties litigant.

All over this country corporations are doing business in States in which they are liable to be held responsible for torts, as mining companies organized by citizens all of the same State in which their plants and coal fields are located, and who become citizens of the State of New Jersey, for instance, by means of articles of incorporation in that State, and arbitrarily remove every cause of action against them to the Federal court for the purpose of the perversion of justice, not that the Federal courts are not as just as the State courts. I do not mean to indicate anything of that kind. But the expense, the difficulty, the delay incident to the trial of a case in a distant city, and under procedure that is infinitely more expensive than the simple procedure in the State courts, amount to practically a denial of justice.

The corporation will not be injured. It can not be hurt. Citizens of Kentucky or Missouri or Kansas mining coal or operating a railroad form themselves into a corporation in New Jersey. It is impossible to conceive that that corporation will be denied that justice which it would have received had the concern in question been incorporated in the State in which it transacted its business.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STANLEY. Mr. Speaker, I ask for one minute more of time, if the Chair please, in which to conclude.

The SPEAKER pro tempore. The time was fixed by order of the House.

Mr. MARTIN of South Dakota. I will yield one minute of my time to the gentleman of Kentucky, if he desires.

Mr. STANLEY. I thank the gentleman. I will not take a minute of his time. The reason of the law having ceased, the law should cease. It remains simply in its perversion, and it is time that this trick of incorporating in foreign States for the purpose of dragging litigants from one court to another, thus denying justice to the needy, should cease and cease speedily.

Mr. MARTIN of South Dakota. Mr. Speaker, with the general purpose of this proposed amendment I am entirely in accord. I think that the form that the gentleman from Tennessee [Mr. GARRETT] is now proposing for his amendment makes it clear and will probably accomplish his purpose. I think also that there are no constitutional limitations in the way of this particular legislation. If the proposition here brought forth were to provide that a certain class of citizens other than corporations might be allowed the right by virtue of citizenship to a transfer or removal of a cause from a State court, and a certain other class of citizens, also by personal classification, be denied the same privilege, a serious question would arise as to the constitutionality of such legislation. But there is a very clear distinction in the authorities and in principle between the personal rights that go to the citizens of every State by virtue of the provisions of the Constitution of the United Sates and its amendments, and the rights of a corporation, which is a pure creation of the law.

A corporation chartered in one State has by virtue of that incorporation no right under the law for any purpose to enter another State except upon the consent of that State; and it is not entitled, being voluntarily organized in one State, to proceed to do business in another; and if permitted to go there, it is not entitled by right to insist upon the protection of the Constitution under the fourteenth amendment in reference to citizens of the United States.

That question was discussed and decided in the interstate-commerce case of Hammond Packing Co. against the State of Arkansas, in Two hundred and twelfth United States Reports. The State of Arkansas passed a law which prohibited certain classes of corporations organized in other States from going into the State of Arkansas and doing business, and which would forfeit the right of such corporations to do business in the State under certain circumstances. The corporation invoked upon its behalf the fourteenth amendment of the Constitution, which provides that no State shall pass laws denying to any person "equal protection of the laws." The court very clearly makes the distinction as to the constitutional power in this class of cases, and I will read what the court says.

Although it be conceded that the provisions of the statute can not consistently, with constitutional limitations, be applied to individuals, such concession would not cause the act to amount to a denial of the equal protection of the laws. The difference between the extent of the power which the State may exert over the doing of business within the State by an individual and that which it can exercise as to corporations furnishes a distinction authorizing a classification between the two. It is apparent that the court below, both in the Hartford case and in this, by a construction which is here binding, treated the statute, in so far as its prohibitions were addressed to individuals, as separable from its requirements as to corporations, and, therefore, even though there was a want of constitutional power to include individuals within the prohibitions of the act, that fact does not affect the validity of the law as to corporations.

I think, also, that there has been a growing abuse in the habit of corporations seeking removals from State courts merely for the purpose of delaying or annoying litigants in just cases. Corporations organized in one State enter a State by virtue purely of grace and allowance of the State, and are permitted to do business there with its various citizens; but immediately, whenever difficulty arises between a citizen and the corporation, they change the forum of litigation from the State to the Federal courts. I think the legislation is both needed and wise.

Mr. PARSONS. Will the gentleman allow me to ask him a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. PARSONS. Suppose there was a case where a corporation had not done business in a State, a resident of the State happening to get jurisdiction by being able to serve the President in some proceeding, would you forbid the corporation in that case removal?

Mr. MARTIN of South Dakota. I should have no objection to allowing the corporation in that sort of a case to take the removal. The amendment in the form in which it is drawn would prohibit the removal of the case. I do not, however consider that this is fundamental, or that it would be likely to end in injustice to the corporation in such a case.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Mr. Speaker, this question has already been exhaustively and extensively argued from a legal standpoint. I want to say that as chairman of the committee and as one who has given some considerable investigation to the legal aspect of the subject that I believe the gentleman from Arkansas is entirely and legally correct; in other words the provision of the Constitution of the United States extending judicial power to suits between citizens of different States is not sufficient to take away the power of the States, and that it is necessary that Congress should pass a law to confer this power of the courts. In 1789, in the very first judicial act of the new country, it did pass a law substantially in the language of the Constitution of the United States which conferred power upon the courts to entertain jurisdiction upon these grounds. That law has been amended from time to time. Conditions have been imposed upon its exercise. Originally the amount involved was required to be $500. In 1887 it was increased to $2,000. Since that time, from time to time, the conditions upon which this right can be exercised have been modified by Congress. We have the power, and the question, therefore, resolves itself largely into a question of expediency. This is not the first time it has been before the House. In 1891, at the time the circuit court of appeals was established, it was strongly urged upon the floor of the House that the necessity for the creation of that court could be obviated by taking away entirely from the jurisdiction of Federal courts all controversies between citizens of the different States, the object of the act of 1891 being to relieve the Supreme Court. It was contended that if this fruitful source of original jurisdiction could be removed, the overburdened dockets of the Supreme Court would soon be relieved without other legislation.

A bill similar to this at one time passed this House. Therefore, upon the question of its legality I have no doubt.

The question of its expediency is another question and one that ought to receive the careful consideration of all the Members of this House. I believe it to be true that in new States and in new Territories foreign capital goes there because of what is regarded to be the greater security extended by the Federal courts; and it may be that to submit the vital questions of their existence or their operations absolutely to the operation of State courts, without the right of removal as is provided by existing law, may very materially affect industries in new countries.

I know from the standpoint of an attorney representing investors that people say "We can not keep track of the personnel of the courts of 46 or 47 States. We do know the personnel of the Federal courts, and if litigation affecting our rights, litigation that may absolutely destroy our existence, is to depend upon the constitution and composition of courts of which we know nothing, we will not invest money in enterprises operating in those States."

The question of expediency is therefore very important, and Members should consider it in all of its aspects. Is it wise to change the habit, the established practice of more than a century, because in 1809 the Federal courts first took jurisdiction of corporations on the ground of removal, to commit by this amendment corporations to the operation of State laws irrevocably?

That, Mr. Speaker, is all I have to say on the question, and I ask that we may have a vote upon the amendment.

Mr. STEPHENS of Texas. Does the gentleman believe any new State in this Union, desiring to obtain capital, desiring to forward the development of that Commonwealth, would pass laws, or that its courts would construe laws that would drive capital from it?

Mr. MOON of Pennsylvania. Personally, I do not believe it.

Mr. STEPHENS of Texas. Does he not presume that they would be benefited rather by inducing capital to come there?

Mr. MOON of Pennsylvania. That induces me to say one word which probably is not understood. Understand that this transfer of jurisdiction does not change the law at all upon which the case is decided. The suit is brought in a State court under a State law, and on the ground of diverse citizenship is transferred to a Federal court, but that Federal court administers State law. Therefore it is not a question of law. You do not get your litigant under any different law by permitting this transfer on the ground of diversity of citizenship or by striking it down. In all instances the case involved, whether it be transferred or not, is tried under the law of the State. It is only a question of the personnel of the court.

Mr. STEPHENS of Texas. I only made the statement in view of the fact that the Western States are developing rapidly, by way of mining, and we need a great many more railroads there. We need improvements and we need capital, and there is not a State in the entire West or Southwest but what is needing more money, and will, in any way that it can, advance the interests of capitalists and see that they are protected when they come among us.

Mr. MOON of Pennsylvania. I say, again, that this does not alter at all the law under which the rights of parties litigant will be adjudicated. It only alters the court that will administer that law, and my theory is that you may drive capital away.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. DOUGLAS].

Mr. GARRETT. I ask unanimous consent to modify the amendment, proposed by myself, at the proper time.

Mr. DOUGLAS. I do not know whether this is the proper time or not.

Mr. GARRETT. It does not affect the amendment of the gentleman from Ohio. I ask unanimous consent to modify the amendment proposed by myself, so that it will read as I ask the Clerk to read it.

The SPEAKER pro tempore. The gentleman asks to modify his amendment so that it will read as now reported by the Clerk.

The Clerk read as follows:

On page 23, at the end of section 28, as amended, substitute a colon for the period and add the following:

"*Provided further*, That no suit against a corporation or joint-stock company, brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its principal place of business or carries on therein its principal business, shall be removed to any court of the United States on the ground of diverse citizenship."

The SPEAKER pro tempore. Is there objection to considering the amendment as modified, as just reported by the Clerk?

There was no objection.

The SPEAKER pro tempore. The question now is upon the amendment offered by the gentleman from Ohio [Mr. DOUGLAS] to the amendment offered by the gentleman from Tennessee, which, if there be no objection, will be reported.

The Clerk read as follows:

Amend the amendment by adding, after the word "suit," in the first line of the amendment, the following words: "For damages for personal injury."

The question being taken, the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee.

Mr. HUBBARD of West Virginia. Mr. Speaker, I move to amend the amendment by striking out the words "in which the plaintiff resides or."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment the words "in which the plaintiff resides or."

Mr. HUBBARD of West Virginia. Mr. Speaker, if that amendment be adopted, the amendment of the gentleman from Tennessee will read:

Provided further, That no suit against a corporation or joint-stock company brought in a court of a State in which the cause of action arose, or within which the defendant has its principal place of business or carries on therein its principal business, shall be removed to any court of the United States on the ground of diverse citizenship.

Probably the word "therein" should be stricken out.

As proposed by him, this amendment would deny the right of removal in three cases—in any one of three cases: First, in which the plaintiff resides in the State where the suit is brought; second, in which the cause of action arose in that State; or, third, in which the defendant had its principal place of business in that State.

Now, I can sympathize very much with the denial of right to remove a suit by a defendant who has gone into a State, there made a contract, there engaged in a business transaction, and who seeks to withdraw from the courts of that State the decision of its rights under that contract or transaction.

The SPEAKER pro tempore. The Chair will say to the gentleman from West Virginia that the Chair ought not to have recognized the gentleman to speak upon this amendment, because the time allotted by the House has all been consumed.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia be permitted to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that the gentleman from West Virginia may proceed for five minutes. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Mr. Speaker, before the gentleman from West Virginia proceeds I want to say that I am in sympathy with the end that he wants to attain, but I would like to ask his view upon this question: Would not leav-

ing out the phrase that he proposes to leave out take from the operation of this amendment all that class of dealings with corporations where, for instance, goods are ordered from a State in the West, the order to be filled in Chicago or New York? The general interpretation of the law merchant is that the contract is understood to be of the place where the order is filled. Would not the gentleman's amendment remove all that class of cases?

Mr. HUBBARD of West Virginia. I can not answer that question without further consideration. But in whatever place the law says on the facts of a given case that the contract was made, it is fairly clear to me that the party that has made the contract at that place, the place that the law assigns as the place of contract, ought to be content to have his rights adjudicated there or, at least, ought not to object to having them adjudicated in the Federal court sitting in his own State.

Now, as I was saying, when a corporation goes into a State and engages in a business transaction it can not, with good grace, it seems to me, ask to withdraw the adjudication of any question arising out of the transaction from the courts of that State into which it was willing to go to engage in that business.

Under the third provision of the amendment of the gentleman from Tennessee relating to the case where a defendant has its principal place of business, that which is equivalent to a residence, so far as a corporation may have a residence anywhere, in the State where it is sued, I do not think it ought to ask to have a suit against it withdrawn from the tribunals of that State so as to prevent the adjudication there of the controversy in that litigation.

But I can not follow the gentleman from Tennessee in the proposition that a man may leave his own State and go into another State where there is the principal office of a railroad company, for instance, there make a contract with that railroad company out of which afterwards litigation may arise, and then excuse himself from submitting that litigation to any courts except the State courts at his own place of residence. The party ought to go to the place where he made his contract to bring his suit, or at least ought to be willing that the defendant may have the question in that case adjudicated by the Federal court in the State where the plaintiff resides.

The matter may arise in this way: A railroad corporation having no officers in the State where the plaintiff lives, having neither president nor director there, but whose line passes through that State, may under the law of that State be subjected to the jurisdiction of its courts by service of process on a station agent found in that State. Under this amendment of the gentleman from Tennessee, as it stands, the plaintiff in such a case may deny the right to remove to the Federal court litigation arising out of a transaction which did not take place in the State of his residence or otherwise fairly entitle him to the jurisdiction of the courts of that State, to the exclusion of the Federal court sitting there.

Mr. GARRETT. Mr. Speaker, I should like to have about five minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, I simply wish to say that I think the suggestion of the gentleman from West Virginia [Mr. HUBBARD] is of small consequence. I think the examples that he relates will occur very rarely, and I am fearful that the amendment proposed by the gentleman from West Virginia would destroy very largely the purposes of the original amendment. Therefore, I do not propose to accept the language proposed by the gentleman.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Yes.

Mr. MANN. Not directly upon the amendment, but cognate to the subject. The provision of the amendment is—

Is its principal place of business or carries on its principal business.

Does not the gentleman think that will be the most prolific source of controversy that can possibly arise? Take any of the large corporations doing business in two States. Where are they carrying on their principal business; where is the principal place of business?

Mr. GARRETT. Mr. Speaker, there is some uncertainty in that language.

Mr. MANN. Ought we not to make a thing pretty certain where a case of removal may or may not exist, giving an opportunity to delay litigation?

Mr. GARRETT. The other conditions, I suppose, would not make that a matter of grave importance.

Mr. MANN. If it is not important it ought not to be in there, to give a cause for litigation, because it is perfectly patent to everyone that in the case of these large corporations the controversy will immediately arise as to where its principal place of business is or where it carries on its principal business.

Mr. KOPP. Would it not be better by leaving out those words "where it carries on business?" If a corporation comes into a State and does business there, why should it not submit to the courts of that State?

Mr. GARRETT. I will be glad to accept such an amendment as that. Does the gentleman propose that as an amendment?

Mr. KOPP. I will.

Mr. GARRETT. As far as I am concerned, I will accept it.

Mr. MADISON. Mr. Speaker, I want to ask the gentleman if he will not agree to amend his amendment so that it may read in this wise, and then really accomplish what the gentleman desires:

Provided, That no suit against a corporation or company properly brought in a court of a State shall be removed to any court of the United States on the ground of diverse citizenship.

If the gentleman will so amend his amendment, there is no question at all as to what is accomplished. Now, as I understand, the gentleman desires that any case brought in a State court, properly instituted, the State court having jurisdiction of the person and subject matter, shall not be removed to a Federal court on the ground of diverse citizenship.

Mr. DOUGLAS. If the defendant is a corporation.

Mr. MADISON. If the defendant is a corporation.

Mr. MANN. Mr. Speaker, this a very important matter and we will soon be voting upon it. I make the point that there is no quorum present. We ought to have a quorum to vote on this proposition.

The SPEAKER pro tempore. There evidently is not a quorum present. The point of order is sustained.

Mr. MANN. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion agreed to.

The SPEAKER pro tempore. The motion is agreed to; the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Adair	Diekema	Huff	Murdock
Allen	Edwards, Ky.	Humphrey, Wash.	Murphy
Ames	Ellis	Humphreys, Miss.	Needham
Austin	Elvins	Jamieson	Palmer, H. W.
Barchfeld	Englebright	Johnson, Ohio	Patterson
Barclay	Fairchild	Jones	Payne
Bartholdt	Fassett	Kahn	Pearre
Bartlett, Ga.	Fish	Knapp	Poindexter
Bartlett, Nev.	Flood, Va.	Kronmiller	Pratt
Bennett, Ky.	Focht	Küstermann	Reid
Bingham	Foster, Ill.	Lafean	Rhinock
Boutell	Fowler	Lamb	Roberts
Bradley	Gaines	Langley	Sherley
Burgess	Gardner, Mass.	Law	Slayden
Burke, S. Dak.	Gardner, Mich.	Lee	Smith, Cal.
Burleigh	Garner, Pa.	Lindsay	Snapp
Burleson	Gill, Md.	Lively	Sparkman
Calder	Gill, Mo.	Longworth	Sperry
Calderhead	Goebel	Lowden	Spight
Candler	Gordon	Lundin	Stevens, Minn.
Capron	Graff	McCall	Tawney
Carter	Greene	McCreary	Taylor, Ala.
Cary	Gregg	McKinlay, Cal.	Taylor, Colo.
Cassidy	Griest	McKinley, Ill.	Tilson
Cline	Guernsey	Martin, Colo.	Townsend
Conry	Hamill	Maynard	Vreeland
Cooper, Wis.	Hawley	Miller, Minn.	Wallace
Coudrey	Heald	Millington	Washburn
Cravens	Higgins	Mondell	Wheeler
Creager	Hill	Moore, Tex.	Willett
Crow	Hitchcock	Morehead	Wilson, Ill.
Dalzell	Howard	Morgan, Mo.	Young, Mich.
Dickson, Miss.	Howland	Mudd	

The SPEAKER pro tempore. Two hundred and fifty-two gentlemen are present, and a quorum is constituted.

Mr. GARRETT. Mr. Speaker, has the presence of a quorum been announced?

The SPEAKER pro tempore. Yes.

Mr. GARRETT. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Tennessee was entitled to about two minutes when the point of no quorum was made.

Mr. GARRETT. I want to say, Mr. Speaker, to the gentleman from Kansas and to the House this in regard to his proposed amendment to the amendment or substitute for the amendment. This legislation has been a matter, I may say, of several conferences between the gentleman from Pennsylvania [Mr. MOON], having charge of the bill, and myself. I have been anxious to have as little resistance to the legislation as possible; and while I will not say that the gentleman from Pennsylvania has agreed to the support of the legislation, I still

did understand that the amendment, in the form that it has finally been proposed, has met with less resistance from him than any other of the forms suggested, and being desirous of obtaining the legislation and being exceedingly anxious that the legislation shall remain in the bill when in conference and that it might have all the support possible and as little opposition as possible, I agreed to the form of the amendment as proposed, and desire to stand by that form.

Mr. MANN. What form?

Mr. GARRETT. The form which is proposed now by myself, except that I am perfectly willing to strike out the word "principal."

Mr. MANN. The gentleman means the form in which it is printed?

Mr. GARRETT. No; the form in which it was last reported from the desk.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendment as now pending be reported to the House.

The SPEAKER pro tempore. Will the gentleman from Tennessee yield to the gentleman from New York [Mr. PARSONS]?

Mr. GARRETT. I will.

Mr. PARSONS. Will the gentleman from Tennessee point out a single instance in which the modification of his amendment, as proposed by the gentleman from West Virgina, will do harm? I read with great care the speech made by the gentleman from Tennessee, but I could find nothing in that speech which said anything against the modification now proposed by the gentleman from West Virginia [Mr. HUBBARD].

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired. The question is upon the amendment offered by the gentleman from West Virginia. Without objection, the amendment will be again reported.

Mr. MANN. Mr. Speaker, I ask that both amendments be reported.

The SPEAKER pro tempore. Without objection, the Clerk will report the amendment offered by the gentleman from Tennessee and the proposed amendment to the amendment offered by the gentleman from West Virginia.

The Clerk read as follows:

On page 23, at the end of section 28 as amended, substitute a colon for the period and add the following: "*Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or in which the defendant has its principal place of business or carries on therein its principal business, shall be removed to any court of the United States on the ground of diverse citizenship."

Strike out of this amendment the following words: "In which the plaintiff resides, or," so that it will read:

"*Provided further*, That no suit against a corporation or joint-stock company brought in a State court of a State in which the cause of action arose, etc."

Mr. MADISON. Mr. Speaker——

The SPEAKER pro tempore. The Chair will state——

Mr. MADISON. Mr. Speaker, I did not rise for the purpose of debating, but I arose for the purpose, if it be in order, of offering a substitute for the pending amendment—that is, the amendment of the gentleman from Tennessee [Mr. GARRETT].

Mr. MANN. You can offer a substitute, but the vote will have to be taken on it after the other amendment.

Mr. DOUGLAS. I submit, if I may be permitted, that this amendment is to perfect the Garrett amendment and ought to be passed upon before that.

The SPEAKER pro tempore. The question comes first upon the amendment offered by the gentleman from West Virginia.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. GARRETT) there were—ayes 77, noes 98.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BORLAND. Can we have the amendment again reported?

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and there were—yeas 102, nays 165, answered "present" 10, not voting 109, as follows:

YEAS—102.

Alexander, N. Y.	Burke, Pa.	Davidson	Durey
Allen	Calder	Denby	Dwight
Barchfeld	Cole	Diekema	Ellis
Barnard	Cooper, Pa.	Dodds	Focht
Bartholdt	Currier	Douglas	Fordney
Bennet, N. Y.	Dalzell	Draper	Foss
Foster, Vt.	Hughes, W. Va.	Miller, Minn.	Smith, Mich.
Fuller	Hull, Iowa	Moon, Pa.	Southwick
Gaines	Joyce	Moore, Pa.	Sperry
Gardner, N. J.	Keifer	Morgan, Mo.	Steenerson
Garner, Pa.	Kennedy, Ohio	Moxley	Sterling
Gillett	Knowland	Needham	Stevens, Minn.
Graff	Langham	Nye	Sturgiss
Graham, Pa.	Longworth	Olcott	Sulloway
Grant	Loud	Olmsted	Swasey
Griest	Loudenslager	Parker	Tawney
Hamilton	McCall	Parsons	Taylor, Ohio
Harrison	McCreary	Payne	Thomas, Ohio
Hayes	McKinlay, Cal.	Pratt	Tilson
Heald	McKinney	Pray	Wanger
Henry, Conn.	McLachlan, Cal.	Prince	Wiley
Hill	Madden	Reeder	Wood, N. J.
Hollingsworth	Malby	Rodenberg	Young, Mich.
Howell, N. J.	Mann	Sheffield	Young, N. Y.
Howell, Utah	Martin, S. Dak.	Simmons	
Hubbard, W. Va.	Massey	Slemp	

NAYS—165.

Adair	Driscoll, D. A.	Kinkead, N. J.	Rainey
Adamson	Driscoll, M. E.	Kitchin	Randell, Tex.
Alexander, Mo.	Dupre	Kopp	Ransdell, La.
Anderson	Ellerbe	Korbly	Rauch
Ansberry	Esch	Küstermann	Richardson
Anthony	Estopinal	Lamb	Robinson
Ashbrook	Ferris	Latta	Roddenbery
Barnhart	Finley	Lawrence	Rothermel
Bartlett, Nev.	Fitzgerald	Lee	Rucker, Colo.
Beall, Tex.	Floyd, Ark.	Legare	Rucker, Mo.
Boehne	Fornes	Lenroot	Sabath
Booher	Gallagher	Lever	Saunders
Borland	Garrett	Lindbergh	Scott
Bowers	Gillespie	Livingston	Shackleford
Brantley	Glass	Lloyd	Sharp
Burgess	Good	McCredie	Sheppard
Burnett	Graham, Ill.	McDermott	Sherwood
Byrd	Hamlin	McHenry	Sims
Byrns	Hammond	Macon	Sisson
Calderhead	Hardwick	Madison	Slayden
Campbell	Hardy	Maguire, Nebr.	Small
Cantrill	Havens	Mays	Smith, Tex.
Carlin	Hay	Miller, Kans.	Stafford
Cary	Heflin	Mitchell	Stanley
Chapman	Helm	Moon, Tenn.	Stephens, Tex.
Clark, Mo.	Henry, Tex.	Moore, Tex.	Sulzer
Clayton	Hinshaw	Morgan, Okla.	Thomas, Ky.
Collier	Hobson	Morrison	Thomas, N. C.
Covington	Houston	Morse	Tou Velle
Cox, Ind.	Howard	Moss	Turnbull
Cox, Ohio	Hubbard, Iowa	Nelson	Underwood
Craig	Hughes, Ga.	Nicholls	Volstead
Cravens	Hughes, N. J.	Norris	Watkins
Crumpacker	Hull, Tenn.	O'Connell	Webb
Cullop	Humphreys, Miss.	Oldfield	Weeks
Davis	James	Padgett	Weisse
Dawson	Johnson, Ky.	Page	Wickliffe
Dent	Johnson, S. C.	Palmer, A. M.	Wilson, Pa.
Denver	Jones	Peters	Woods, Iowa
Dickinson	Kendall	Pickett	
Dies	Kennedy, Iowa	Plumley	
Dixon, Ind.	Kinkaid, Nebr.	Poindexter	

ANSWERED "PRESENT"—10.

Bell, Ga.	Garner, Tex.	Kellher	Riordan
Boutell	Goldfogle	McMorran	
Foelker	Goulden	Pou	

NOT VOTING—109.

Aiken	Dickson, Miss.	Hitchcock	Patterson
Ames	Edwards, Ga.	Howland	Pearre
Andrus	Edwards, Ky.	Huff	Pujo
Austin	Elvins	Humphrey, Wash.	Reid
Barclay	Englebright	Jamieson	Reynolds
Bartlett, Ga.	Fairchild	Johnson, Ohio	Rhinock
Bates	Fassett	Kahn	Roberts
Bennett, Ky.	Fish	Knapp	Sherley
Bingham	Flood, Va.	Kronmiller	Smith, Cal.
Bradley	Foster, Ill.	Lafean	Smith, Iowa
Broussard	Fowler	Langley	Snapp
Burke, S. Dak.	Gardner, Mass.	Law	Sparkman
Burleigh	Gardner, Mich.	Lindsay	Spight
Burleson	Gill, Md.	Lively	Talbott
Butler	Gill, Mo.	Lowden	Taylor, Ala.
Candler	Godwin	Lundin	Taylor, Colo.
Capron	Goebel	McGuire, Okla.	Thistlewood
Carter	Gordon	McKinley, Ill.	Townsend
Cassidy	Greene	McLaughlin, Mich.	Vreeland
Clark, Fla.	Gregg	Martin, Colo.	Wallace
Cline	Gronna	Maynard	Washburn
Cocks, N. Y.	Guernsey	Millington	Wheeler
Conry	Hamer	Mondell	Willett
Cooper, Wis.	Hamill	Morehead	Wilson, Ill.
Coudrey	Hanna	Mudd	Woodyard
Cowles	Haugen	Murdock	
Creager	Hawley	Murphy	
Crow	Higgins	Palmer, H. W.	

So the amendment was rejected.

The Clerk announced the following pairs:

For this session:

Mr. AMES with Mr. AIKEN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MCMORRAN with Mr. PUJO.

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:
Mr. AUSTIN with Mr. BROUSSARD.
Mr. BATES with Mr. BURLESON.
Mr. BINGHAM with Mr. CANDLER.
Mr. BURKE of South Dakota with Mr. CARTER.
Mr. BURLEIGH with Mr. DICKSON of Mississippi.
Mr. MURDOCK with Mr. EDWARDS of Georgia.
Mr. FAIRCHILD with Mr. FLOOD of Virginia.
Mr. GARDNER of Michigan with Mr. GILL of Missouri.
Mr. HANNA with Mr. GODWIN.
Mr. HAWLEY with Mr. GOLDFOGLE.
Mr. HIGGINS with Mr. GORDON.
Mr. HOWLAND with Mr. GREGG.
Mr. HUFF with Mr. HAMILL.
Mr. GUERNSEY with Mr. FOSTER of Illinois.
Mr. WILSON of Illinois with Mr. GILL of Maryland.
Mr. HUMPHREY of Washington with Mr. HITCHCOCK.
Mr. JOHNSON of Ohio with Mr. JAMIESON.
Mr. KAHN with Mr. LIVELY.
Mr. LAFEAN with Mr. MARTIN of Colorado.
Mr. LANGLEY with Mr. MAYNARD.
Mr. LOWDEN with Mr. PATTERSON.
Mr. MONDELL with Mr. SPARKMAN.
Mr. ROBERTS with Mr. SPIGHT.
Mr. SMITH of California with Mr. TAYLOR of Alabama.
Mr. SNAPP with Mr. TAYLOR of Colorado.
Mr. VREELAND with Mr. WILLETT.
Mr. WOODYARD with Mr. CLINE.
Mr. MILLINGTON with Mr. LINDSAY.
Mr. KNAPP with Mr. SHERLEY.
Mr. CAPRON with Mr. REID.
Mr. SMITH of Iowa with Mr. RHINOCK.
Mr. CASSIDY with Mr. BELL of Georgia.
From January 16 to January 24:
Mr. WASHBURN with Mr. KELIHER.
From January 17 to January 21:
Mr. MCKINLEY of Illinois with Mr. GARNER of Texas.
From 1.30 p. m., January 17, to January 19:
Mr. GREENE with Mr. CONRY.
From January 16 until further notice:
Mr. MOREHEAD with Mr. POU.
Until January 19, inclusive (except injunction amendments to codification bill):
Mr. BARCLAY with Mr. WILSON of Pennsylvania.
For balance of this day:
Mr. COWLES with Mr. TALBOTT.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. MADISON. Mr. Speaker, I desire to offer a substitute amendment.

The SPEAKER pro tempore. The gentleman from Kansas offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Provided further, That no suit against a corporation or joint-stock association properly brought in a court of a State in which said corporation or joint-stock association is engaged in business shall be removed to any court of the United States on the ground of diverse citizenship.

Mr. MANN. Mr. Speaker, I offer an amendment to the original amendment as printed in the RECORD. After the words "or carries on" strike out the word "principal" before the word "place," and also the word "principal" before the word "business," and strike out the word "therein" at the end of the fourth line of the amendment as printed in the RECORD.

Mr. GARRETT. Mr. Speaker, I accept that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "principal" before the word "place," and the word "principal" before the word "business," and the word "therein" at the end of the fourth line as printed in the RECORD, so as to read:

"*Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides or in which the cause of action arose, or within which the defendant has its place of business, or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that both the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MADISON] may proceed for five minutes in order to explain their respective amendments. It is an important matter.

Mr. MANN. It speaks for itself. I object.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now recurs upon the amendment offered by way of a substitute by the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. I do not know whether the gentleman from Illinois objected to my proceeding or not.

Mr. MANN. Certainly not.

Mr. BENNET of New York. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. MANN. And I ask unanimous consent that the gentleman from Tennessee may have five minutes also.

Mr. BENNET of New York. I will make that a part of my request—that the gentleman from Kansas and the gentleman from Tennessee may each have five minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Kansas may have five minutes and the gentleman from Tennessee may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADISON. Mr. Speaker, I have modified to some extent the suggestion that I made to the gentleman from Tennessee a short time previous to the roll call. I feel that my amendment goes directly to the point that is sought to be attained, and I want to read it again:

That no suit against a corporation or joint-stock association properly brought in a court of a State in which said corporation or joint-stock association is engaged in business shall be removed to any court of the United States on the ground of diverse citizenship.

Now, that will prevent a man who has an injury inflicted upon him in New York City by a railroad company that does business in New York, and running a road 1,000 miles west, from going to California, where the company is not engaged in business, and bringing suit in California against that corporation and being protected against a removal to a Federal court.

Mr. PARKER. Will the gentleman permit me to ask, How does it prevent him from doing so?

Mr. MADISON. Because the corporation is not engaged in business in California.

Mr. PARKER. It is running a railroad.

Mr. MADISON. Not in California.

Mr. HUBBARD of West Virginia. You mean that that would not interfere with the removal?

Mr. MADISON. Oh, certainly.

Mr. HUBBARD of West Virginia. You said could not bring suit.

Mr. MADISON. I mean that he could not bring his suit in California under such circumstances and prevent a removal to a Federal court.

Mr. KEIFER. I would like to ask the gentleman this question: I notice your amendment says a suit "properly brought." Suppose the suit is improperly brought, can he then have the removal?

Mr. MADISON. No.

Mr. KEIFER. Then what do you mean by "properly brought?"

Mr. MADISON. I put that language in to make it clear.

Mr. KEIFER. It is too clear.

Mr. MADISON. Mr. Speaker, I shall not attempt to explain the obvious to these gentlemen, nor do I care to take up the time on matters of that kind. Here is a proposition that meets the situation exactly. It has been conceded here on the floor by practically everyone that if a corporation goes into a State and engages in business there, that it ought to submit to the courts of that State for the trial of suits brought against it. That is practically agreed here to-day.

Mr. PARKER. Ought it not to be limited to the business that is carried on in that State?

Mr. MADISON. I can not submit to an interruption. I have only five minutes.

Mr. PARKER. I will ask time for you, sir. I ask that the gentleman be given extra time to answer my question, say, three minutes, because I am with him in this matter very largely.

The SPEAKER pro tempore. The gentleman from New Jersey asks that the time of the gentleman from Kansas be extended for three minues. Is there objection?

Mr. MANN. I shall not object to this. Reserving the right to object, I may say to gentlemen who were absent awhile ago, we had this matter fully discussed in the House since the House was in session. Gentlemen who remain out of the House and then come in ought not to take up the time of the House in rediscussing or reconsidering that matter.

Mr. PARKER. Nobody is hurt.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. PARKER. Will the gentleman permit my question?

Mr. MADISON. Yes.

Mr. PARKER. I think the gentleman wishes to limit this restriction of removal to matters growing out of business done in the State. But his amendment does not say so. His amendment says that if they do business in that State they shall not remove cases on business that did arise out of the State. If the gentleman will say in cases arising out of business carried on in that State, he will meet that point.

Mr. MADISON. It may be there is some merit in the gentleman's suggestion, but I can not entirely agree with him, and do not wish to make any change at this time. I will take position squarely, and say that when a railroad company is doing business in any State it ought to be willing to be sued in the courts of that State, even upon causes of action that may arise in a different State. I think that is fair. Now all in the world there is to this proposition is this: That if a suit is properly brought in a State court, a State in which a corporation or a joint-stock association is doing business, that suit can not be removed to the Federal court on the ground of diverse citizenship. As corporations are organized and do business to-day, there is no just reason for giving them the right of removal on that ground.

Now, if the gentleman from Tennessee [Mr. GARRETT] will pardon me, all the involved language in his amendment is cut out in the substitute I have offered. Everybody can understand at a glance exactly what it means. There is nothing uncertain or indefinite about it; no room is left for construction of doubtful phrases.

I want to say to gentlemen who have come in since the discussion began that there is nothing in the proposed amendment of the law that will prevent the removal of a case where a suit is brought under the Constitution or laws of the United States.

If a man should bring a suit to recover for personal injuries because of a defect in a safety appliance required by the laws of the United States to be used on a railroad car, the railroad company could take the suit to the Federal court notwithstanding this amendment. Why? Because this only applies to cases where the corporation seeks to take the case to the Federal court on the ground that it is a citizen of one State and the plaintiff is a citizen of another. For the purpose of certainty and definiteness I have offered this amendment, and it will, beyond question, accomplish just exactly what is desired; and in a sense it includes the idea that was involved in the amendment offered by my friend from West Virginia [Mr. HUBBARD], because it will prevent peripatetic lawsuits to a considerable degree; for the company, whatever it may be, whether a common carrier or an industrial concern, must be sued in some State in which it is doing business if the plaintiff would prevent a removal.

Mr. GRAHAM of Illinois. I ask entirely for information as to what is meant by the phrase "doing business" as used in the amendment. Take the case, for instance, of the Chicago, Burlington & Quincy Railway, which does not come within a thousand miles of New York City, but which does maintain an office in New York City and probably sells tickets there. Would that be doing business in New York City under the meaning of that phrase; and if so, could that road be sued in New York on a cause of action arising in Kansas?

Mr. MADISON. Those are questions which of necessity must be left to the courts.

Mr. GRAHAM of Illinois. But could not any ambiguity be avoided?

Mr. MADISON. It is impossible for us to define every phrase and every word that we may use in legislation; and as to what would be doing business or "engaged in business," for that is the language of this amendment, that is a matter which, of course, the courts would have to determine, and I think, as a matter of fact, they have already determined it with almost absolute certainty, because every lawyer here understands that those questions have been up frequently, so that there would not be any uncertainty as to the term "engaged in business."

Mr. GRAHAM of Illinois. What is the gentleman's understanding as to the particular case I have put? Would that railroad be "doing business" in New York within the meaning of the language of the amendment?

Mr. MADISON. I think it would, if the gentleman regards my opinion of any value.

Mr. GRAHAM of Illinois. Then it might be sued in New York on a cause of action arising in Kansas?

Mr. MADISON. Oh, yes.

Mr. GRAHAM of Illinois. That would not be right, would it?

Mr. MADISON. I think so; unquestionably.

Mr. NORRIS. That may occur in the State court; in your own State or in any State.

Mr. GRAHAM of Illinois. Not the removal of the case.

Mr. NORRIS. No; but suit may be brought in one State, where the cause of action really arose in another State.

Mr. GRAHAM of Illinois. Yes.

Mr. MADISON. I will say that in my own State, if a man had a cause of action which arose in Chicago against a person or corporation, he might sue in a State court of Kansas and recover, because under the law of Kansas the defendant may be sued in any county in which he may be summoned.

Mr. GARRETT. Mr. Speaker, I trust that the substitute offered by the gentleman from Kansas [Mr. MADISON] will not prevail. I stated awhile ago, and will state again, that the subject matter of this legislation has been a matter of conference between the gentleman from Pennsylvania [Mr. MOON] and myself on more than one occasion since the proposing of my original amendment. And while, as I have stated, the gentleman from Pennsylvania did not commit himself to the support of the proposition, I did understand that the amendment as finally proposed by myself, which, in my judgment, accomplishes precisely the same thing that will be accomplished by the amendment offered by the gentleman from Kansas, would meet with less resistance from the gentleman from Pennsylvania.

Now, the language contained therein was substantially agreed upon following a conference with the gentleman from Pennsylvania, the clerk of the committee, and other gentlemen. I think there is in this amendment as proposed by myself precisely what is in that proposed by the gentleman from Kansas. I do not agree with the gentleman from Kansas in the idea that the language is involved or complicated in the amendment as it now stands. It is perfectly clear and perfectly plain, and I very much hope that the amendment in the form I propose may prevail. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Mr. Speaker, a word in the remaining time allotted to me. The gentleman from Tennessee does not intend to leave the House with the impression that I agreed to accept his amendment. He has stated that I did not so agree. I did feel that in this form it was better than the amendment originally proposed by him, and that the place in the bill at which it is now offered was the proper place for its consideration. I was at that time opposed to the amendment, and shall now vote against it. But of the two I greatly prefer it to the amendment offered by the gentleman from Kansas, because the Garrett amendment limits this prohibition to three distinct classes of cases, all of which have some reason to support them. One is if the plaintiff is a resident of a State; second, the cause of action must arise in the State, and third, the principal place of business of the corporation must be there, or the corporation must there transact its principal business in order to strike down its right of removal.

Therefore the prohibition is kept within reasonable limits. The amendment offered by the gentleman from Kansas strikes down all of these conditions and simply provides that whenever a suit is brought against a corporation in a State court it shall not transfer it into another court on the ground of diverse citizenship.

Mr. MADISON. Mr. Speaker, I do not think the gentleman from Pennsylvania means to misstate what I said or to misquote my amendment. I call his attention to the fact that instead of a suit being permitted at any place it is confined absolutely to the State in which the corporation is engaged in doing business. It ought to be willing to be sued where it does business.

Mr. MOON of Pennsylvania. We know some corporations are doing business in almost every State of the Union, and we know that some States, as has been stated on the floor, permit legal service upon the station agents. Now, if the plaintiff does not reside there, if the cause of action did not arise there, it seems to me there ought to be no limit upon the right of the defendant to transfer the case to the Federal courts. Therefore I shall ask the Members interested in this to vote against the substitute.

Mr. GARRETT. Mr. Speaker, I desire to ask unanimous consent that the gentleman from Alabama [Mr. CLAYTON] may have five minutes. I believe that will equalize the time, and at the end of his remarks I shall ask for a vote.

Mr. KEIFER. I shall object to that unless we get five minutes over here.

Mr. LIVINGSTON. I will object to both sides, and that will settle it.

Mr. MANN. I ask that the original amendment and substitute be again reported.

Mr. JAMES. Mr. Speaker, I did not understand that any objection was made to the request that the gentleman from Alabama [Mr. CLAYTON] have five minutes.

The SPEAKER pro tempore. The Chair understood that an objection was made.

Mr. JAMES. But the gentleman did not rise in his seat and object as he should have.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. KEIFER. I do not object to that, provided I may be allowed five minutes.

Mr. CLAYTON. I will incorporate that in my request.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that he have five minutes and that the gentleman from Ohio may be heard for five minutes. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, I shall vote for the amended Garrett amendment, for the reason that the language of that amendment has been well considered. It was well considered by the gentleman from Tennessee [Mr. GARRETT] and by the gentleman from Pennsylvania [Mr. MOON]. The language suggested by the gentleman from Kansas [Mr. MADISON] was prepared and offered here during the discussion on the floor, and I prefer to take the well-considered opinion of two good lawyers on this subject rather than the opinion of one good lawyer who offers on the spur of the moment a proposition. One objection, Mr. Speaker, that I have to the Madison amendment is that it uses the language—

That in a suit against a corporation or a joint-stock association properly brought in a court of a State.

The words "properly brought" injects into the amendment new language that has not been well considered, and perhaps it would leave room for the courts to determine whether a suit has been properly brought in a State court. At any rate, if it does not inject some matter of doubt, or room for construction by the courts, even then the language has no place in the amendment, and therefore I would vote against the amendment for the reason that it puts in unnecessary language.

The Garrett amendment is perfectly clear, and I refer to the Garrett amendment as amended on the suggestion of the gentleman from Illinois [Mr. MANN], which strikes out the word "principal." I quote the Garrett amendment:

That not suit against a corporation or joint-stock company brought in a State court in which the plaintiff resides—

That is perfectly luminous—

or in which the cause of action arose—

Equally luminous—

or within which the defendant has its place of business or carries on its business—

Equally clear—

shall be removed to any court of the United States on account of diverse citizenship.

Mr. Speaker, the Madison amendment is general, and, I may admit, perhaps as comprehensive in its terms. The Madison amendment says:

That no suit against a corporation or joint-stock association properly brought in a court of a State in which the said corporation or joint-stock association is engaged in business shall be removed to any court of the United States on the ground of diverse citizenship.

Although I repeat, I again quote for emphasis the Garrett amended amendment:

Provided further, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or in which the defendant has its place of business, or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship.

The Madison amendment provides that if the suit is properly brought in a State court, and this language would make it perhaps the subject of judicial inquiry whether or not the suit was properly brought.

I confess that I am partial to the old common-law idea and that, although the Madison amendment may be certain to a common intent, I prefer the Garrett amendment, which is certain to a particular intent in each particular. Again, the Garrett amendment uses the language most frequently employed in such statutes. Again, it may not be hypercritical to note the language of the Madison amendment, "in which the said corporation or joint-stock association is engaged in business." Perhaps the courts might hold that if the corporation has ceased to do business in the State, then it is not amenable to this statute in a suit brought against it after it has ceased to do business in the State.

Doubtless, Mr. Speaker, it is not amiss to say that we must bear in mind that much of the friction which has grown up between State and Federal authorties in the last few years has come from the conflict of jurisdiction of the State and Federal courts. It is sometimes said that some of the Federal courts evince a too great eagerness to reach out and throttle State legislation and to take charge of litigation that would be more conveniently and expeditiously and, I may say, as justly and fairly had in the courts of the State. I may venture the opinion that both sides of this House have come to a better recognition of the rights of the States, to a better recognition of State autonomy, and I think no one will dispute that this not only makes for the preservation of State autonomy, but is also and at the same time best for the preservation of the integrity of the Federal Government. The States are indestructible and ought to have and exercise unmolested all the powers which have not been delegated, and the Federal Government should be preserved in all of its constitutional vigor forever. [Applause.]

Mr. KEIFER. Mr. Speaker, I have listened to considerable of the discussion to-day, but not to all of it. I apprehend that the trouble that is sought to be reached here is the danger that arises from foreign corporations which have been sued in a State court by a resident of a State transferring the suit or removing it from a State court to a Federal court that meets at some distant point, where the plaintiff would be embarrassed as to the expense of going to court, and all that. I have been a little troubled about both these amendments, whether or not they reach far enough, to prohibit the removal of an action brought in a State by a citizen thereof against a foreign corporation where a question was involved under the Constitution or a law of the United States. It is, and has been for a long time, a law in this country that any suit might be removed from a State to a Federal court for final trial where the action involved the construction of the Constitution of the United States or of a Federal statute. In a recent Congress we passed a law that we supposed was far-reaching and that seems generally to be involved in all these suits that are brought to recover damages against interstate railroads. We undertook to lay down a rule as to the measure of damages in personal-injury cases where there was contributory negligence, and to fix a new rule, one that never obtained in the courts of the United States, or as far as I know in any State of this Union. Now, under that statute, coupled with another, all that class of cases are removable to a Federal court and the amendments that are proposed now, if they go so far as to cut off that law that allows the removal to States where the Constitution or the Federal law is concerned would be very bad legislation, and at least should not be adopted in this way. If it does not cut it off it leaves us in the situation, after we have got this legislation through, that in all the cases brought in the State courts against interstate-commerce corporations they are still transferable because they about all seek to invoke the rule for the measure of damages which we have fixed by recent legislation, to wit, that contributory negligence shall not alone be a complete defense of a cause of action.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Kansas.

Mr. MADISON. Mr. Speaker, I wish to ask unanimous consent to strike out the word "properly," to which some gentlemen have taken exception who are possibly better judges of English than I am.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to modify his amendment by striking out the word "properly." Is there objection? [After a pause.] The Chair hears none. The question is upon the amendment offered by the gentleman from Kansas as a substitute for the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chair announced the Chair was in doubt.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 48, noes 103.

So the amendment was rejected.

The SPEAKER pro tempore. The question recurs upon the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

Mr. MANN. Mr. Speaker, what becomes of the amendment offered by the gentleman from Kentucky [Mr. THOMAS]?

Mr. THOMAS of Kentucky. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS of Kentucky. Mr. Speaker, back in section 24 I have an amendment pending which was passed without prejudice, and I wish to recur to that. It is on page 12, line 10, to strike out the words "two thousand dollars" and to insert the words "$5,000, exclusive of interest and costs."

The SPEAKER pro tempore. The Chair will state that it appears the amendment was postponed to be considered to-day,

therefore it is now in order, and, without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 10, strike out the words "two thousand dollars" and insert "$5,000, exclusive of interest and costs."

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. THOMAS] desire to be heard?

Mr. THOMAS of Kentucky. Just for a minute.

Mr. Speaker, as the law is now, and as this bill also provides, if the amount in controversy exceeds $2,000, a case may be removed from the State courts to the United States court if a Federal question is involved. My amendment is to raise the amount to $5,000 in order for a case to be removed after it has already been brought.

Mr. MANN. Which section are you at?

Mr. THOMAS of Kentucky. Section 24.

Mr. MANN. That is the original jurisdiction.

Mr. THOMAS of Kentucky. Yes, sir; that is the original jurisdiction, and if the suit is brought in the State court and the amount in controversy is over $2,000, and a Federal question is involved, that suit can never be removed to the United States court. My amendment is to strike out the $2,000 and insert $5,000, so as to prevent the removal of a suit from a State court to the United States court unless $5,000 is involved.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of Kentucky. Yes, sir.

Mr. MANN. The amendment the gentleman offered is to section 24, as I understand?

Mr. THOMAS of Kentucky. Yes, sir.

Mr. MANN. That section relates wholly to the commencement of suits and has nothing to do with the removal of suits in the Federal court.

Mr. THOMAS of Kentucky. Yes, sir.

Mr. MANN. Has nothing to do with a suit that is commenced in the State court. The gentleman's amendment, as he offers it, would change the existing law, which prohibits the suit being brought in the Federal court for less than $2,000, and make it so as to prohibit a suit being brought in the Federal court for less than $5,000?

Mr. THOMAS of Kentucky. That is exactly what I want to do.

Mr. MANN. That has nothing to do with the removal of cases at all.

Mr. THOMAS of Kentucky. If a suit is originally brought in a State court, and there is a Federal question involved, it can be removed, if the amount in controversy is over $2,000.

Mr. MANN. It can not be removed under this provision of the statute.

Mr. THOMAS of Kentucky. I think so.

Mr. MANN. There is another provision of the statute covering the question of removal.

Mr. MOON of Pennsylvania. I may say to the gentleman that this is where it affects the original jurisdiction and where a suit is brought under command of Congress or under the Constitution. The suits that are brought and may be removed are suits that are brought under the State law, and the ground for removal of them is diverse citizenship. This does not affect, except incidentally, the removal; but, as I understand the gentleman, it is a perfectly clear proposition here that he wants to change the amount from $2,000 to $5,000, as affecting the original jurisdiction of the court.

Mr. THOMAS of Kentucky. Original jurisdiction; yes, sir.

Mr. MOON of Pennsylvania. That is perfectly clear.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky [Mr. THOMAS].

Mr. MOON of Pennsylvania. I want to say a word about this, and I am not quite prepared to do so. I have not yet found just where the gentleman wants to offer it.

Mr. MANN. I suggest to the gentleman from Kentucky [Mr. THOMAS], in offering his amendment he does not wish to put in "exclusive of interest and costs," because that is already in the bill. It would not do it any good to double it up and put it in before the amount and after the amount.

Mr. THOMAS of Kentucky. Strike out the word "two" and insert the word "five."

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent to modify his amendment as suggested and as will be reported by the Clerk.

The Clerk read as follows:

Page 12, line 10, strike out the word "two" and insert the word "five," so as to read "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MOON of Pennsylvania. I want to call the attention of the House to the fact that this substantially alters the jurisdictional grounds. It has a tendency to make this Federal court a rich man's court. I have heard that frequently very strongly urged against legislation of this character. It seems to me that rights that do not involve $5,000 are just as sacred to the man, when they are imperiled, as those that do.

As far as the committee is concerned, I have not any particular word to say against it. It is a question of policy that this House ought to very carefully consider. Now understand that this is totally different from the question we had before as to the conflict between the State court and the Federal court over jurisdiction under a State law. We all believe that these laws passed by Congress are for the benefit of the citizens of the United States; we all believe that the courts that are created by us are of great benefit to every citizen throughout this entire country. The result of this would be to deprive a great many people of the protection of these courts if the amount involved did not reach the proper sum.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. JAMES. The gentleman says if the amendment were adopted it would tend to make the United States court the rich man's court instead of the poor man's court. Is it the gentleman's experience that poor men avail themselves of the United States court, or is it not the other man—that other class, the rich—that take the poor man to the United States court?

Mr. MOON of Pennsylvania. Well, I suppose there is a good deal of justification for the gentleman's question in the fact that it is true. I suppose he could cite a great many instances in which the poor man would prefer a court at his own door, his county court; but I also want to say, on the other side, that there are a great many rights that he wants to protect in the Federal courts that are created for his protection as well as for those of anybody else.

Mr. JAMES. My experience, especially in Kentucky, is that the poor man is quite willing to trust his interests in the Kentucky courts, and that the other man, the corporation, and the rich want to leave the Kentucky courts and go to the Federal court.

Mr. GRAHAM of Illinois. Will the gentleman permit me to ask him a question?

Is it not true that it would have the effect just opposite from what the gentleman contends? Is it not the case that the poor man in bringing his suit in a State court, wishing to avoid the Federal court, often reduces the ad damnum to $2,000, when he would like to make it $5,000. Now, there is a practice which prevails of bringing a suit for $1,999, to keep under the $2,000 and avoid removal.

Mr. KOPP. Would not that be largely removed by the amendment just passed, preventing the removal of causes on the ground of adverse citizenship?

Mr. GRAHAM of Illinois. That is not the case in mind.

Mr. KOPP. Most of the suits that are referred to are those for damages.

Mr. GRAHAM of Illinois. So you are not in line with the thought of the gentleman from Pennsylvania or myself. The point I want to make is in the interest of the poor man and not against it. As it is now, he is often compelled to bring his suit and fix the ad damnum at $2,000 when he really ought to ask more, but he brings it for the lesser amount in order to avoid the transfer of the cause to the Federal court. If this proposition were adopted, he could sue for $5,000, which would be a great advantage to the poor man who has an interest in the matter and fears having his cause removed.

Mr. KOPP. Now, if a poor man has a cause and wishes to sue a man that lives in New York and goes to Illinois and brings a suit for $5,000, would it be easier to go to New York or to bring the suit in Illinois?

Mr. GRAHAM of Illinois. The question I am stating is making the original jurisdiction $5,000 instead of $2,000.

Mr. KOPP. Would he not be compelled to go to New York if he could not get Federal jurisdiction, unless the case amounted to $5,000?

Mr. GRAHAM of Illinois. I think the gentleman misconceives the situation. It simply enables him to bring a suit in a State court, with the assurance that it will not be removed from that court as long as he does not sue for more than $5,000, when he can now only have the limit at $2,000. If this is adopted he can sue for $5,000, which would be to his advantage; and it is not a rich man's amendment, but a poor man's amendment.

Mr. SIMS. Mr. Speaker, I want to ask the chairman a few questions, and perhaps make a few remarks. The original amount to get Federal court jurisdiction was $500, was it not?

Mr. MOON of Pennsylvania. Down to 1887.

Mr. SIMS. And then increased to $2,000?

Mr. MOON of Pennsylvania. Yes.

Mr. SIMS. Formerly the amount that would authorize removal was $500.

Mr. MOON of Pennsylvania. Yes.

Mr. SIMS. And that was increased to $2,000 to correspond with the original jurisdiction.

Mr. MOON of Pennsylvania. Yes.

Mr. SIMS. Now, I can not see any reason why this amendment, increasing it to $5,000, would have a tendency to shut off the poor man any more than the act which the gentleman has just referred to, increasing the jurisdiction from $500 to $2,000. The object of doing that was so that corporations or individuals should not have the right to remove to Federal courts when the amount was less than $2,000; and experience in my own State is like that stated by the gentleman from Illinois, that often men who believe they are entitled to damages of $4,000 or $5,000, or even $10,000, rather than take the risk of being worn out in litigation by the great lawyers employed by wealthy corporations or individuals which have the money and the ability to wear them out, will bring a suit for $1,999, simply because they are not able to bear the expenses of litigation in the Federal courts, to recover what they believe is justly due them in damages or otherwise.

I do not see why this amendment should not pass. I do not see why we should not immediately change the amount, wherever it occurs in other portions of the bill, so as to make the amount for removal correspond with it. It is absolutely just. It ought to be done. A poor man who has a claim for $4,000 or $4,500 should have the right to bring that suit in a State court without the fear of removal. There is no question of principle involved. It is only a question of policy, as the chairman of the committee says. Our Federal courts are so crowded with litigation that there is a constant demand in this House to create new district court judges, in order that business may be done. Why not take from them all suits below $5,000 and let the State courts try them—a tribunal where it does not break people to wage a lawsuit, where they do not have to print the pleadings, where they do not have to pay nearly so high fees for lawyers? This amendment appeals to me as being just, and it seems to me that to state it is all the argument necessary to be made in its support. Give a man who has a just claim the same right to sue in his own State courts for $4,500 that he now has to sue for $1,500.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BURKE of Pennsylvania. Will the gentleman indicate what rule of law or what local custom exists which prevents the employment of great lawyers and men of great ability in the State courts, as well as in the Federal courts, or prevents the adoption of methods that result in delay in the State courts, as well as in the Federal courts?

Mr. SIMS. Oh, I am talking about a practice, not a law. You know that great corporations employ great lawyers by the year on a stated salary.

Mr. BURKE of Pennsylvania. That is very true. And they have a perfect right to employ them, as everyone else has.

Mr. SIMS. And they, as a rule, have much abler counsel than a private individual, who perhaps has only one suit during his lifetime.

Mr. BURKE of Pennsylvania. But what is there to prevent those corporations from employing able counsel to bring their talents into use in the local courts of the State, the same as they do in the Federal courts?

Mr. SIMS. Oh, these splendid, able counsel are usually all in the employ of the corporations and will not take cases against them. These suits are nearly always brought in Federal courts.

Mr. BURKE of Pennsylvania. The gentleman does not seem to catch my question. If they are in the employ of the railroads, what is there to prevent them from practicing in the local courts as well as the Federal courts?

Mr. SIMS. There is nothing. What objection has the gentleman, in principle, to a man bringing a suit in a State court for $4,000 when he can now bring it for $1,500 against a foreign corporation?

Mr. BURKE of Pennsylvania. I have no objection in the world.

Mr. SIMS. That is the way to talk.

Mr. BURKE of Pennsylvania. What I do object to, however, is the creation of the false impression that a corporation can bring about delays in the Federal courts by reason of its ability to hire greater lawyers in that court than it could in a local court, and I know the gentleman from Tennessee would not intentionally create a false impression. I know of no law or custom that justifies any such statement, and I do not want it to find a place in the RECORD unless it is founded upon a fact.

Mr. SIMS. There is great expense in the Federal courts incident to procedure, much greater than in State courts. The poor man is not as able to employ a lawyer in the Federal courts as easily as he is to employ one in State courts; the expenses in Federal courts are greater in preparing the case; the party does not have to print his brief or print the pleadings in State courts, and witnesses do not have to go so far, as a rule.

Mr. MANN. Mr. Speaker, I hope the amendment offered by the gentleman from Kentucky will prevail. In saying that I wish to call the attention of the House to what it means. It has nothing whatever to do with a suit brought in the State court or with the subject of removal from the State court to the Federal court, concerning which our valued friend from Tennessee [Mr. SIMS] was just talking. We have already endeavored to correct the abuse by corporations removing cases from the State to the Federal court.

Mr. HUBBARD of West Virginia. Will the gentleman yield for a question?

Mr. MANN. I would like to make this statement first, and then I will yield to the gentleman. The law now provides that—

> Federal courts shall have jurisdiction of suits brought where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of $2,000 and arises under the Constitution or laws of the United States or treaties made or which shall be made under their authority, or is between citizens of different States, or as between citizens of a State and foreign states, citizens, or subjects.

Now, the gentleman from Pennsylvania suggests that this has a tendency, if the amendment should prevail, to prevent a poor man from bringing a suit. Not at all. That luxury is still retained for the poor man. He can still bring suits in the State courts. There is no trouble about suit being brought, and this amendment will not in any way affect his right to bring suit or the right to remove a suit which has been brought in a State court. But it records the opinion of Congress that we have reached that point in our business affairs where we do not wish, simply because two citizens of two different States want to litigate, that they shall have that litigation at the expense of the National Government in the Federal court instead of in a State court.

Originally the amount was fixed at $500. Five hundred dollars at that time was more to the poor man than $5,000 now, and I would suggest to the gentlemen who are worrying about the poor man that a man who has $2,000 in controversy is not so exceedingly poor, unless you refer to damage cases brought principally against corporations, and that question is eliminated by the amendment already made.

There is no reason why the General Government should maintain courts for the purpose of trying lawsuits involving less than $5,000 between two men, one of whom lives in Illinois and the other in Indiana or some other State. As we raised the amount once before from $500 to $2,000, we may properly now raise the amount to $5,000, because this amount does not affect at all those suits under the internal-revenue act or the interstate commerce act where the authority of the Federal Government is questioned.

Mr. CULLOP. Mr. Speaker, I hope that the amendment of the gentleman from Kentucky will prevail. It is an amendment that is offered in the interest of justice; an amendment which, if enacted, will be against the denial of justice. The practice of removing cases from the State court to the Federal court is very much abused and has been for years. It is made the instrument for the purpose of the denial of justice, and a large class of citizens who have to resort to the courts are prevented a fair administration of the laws of our country because of the practice. Cases are removed simply for the purpose of preventing a trial.

Mr. STANLEY. Mr. Speaker, I am heartily in favor of the amendment, and have expressed myself at some length on the evils that my friend from Indiana is now inveighing against. But this provision of the law that we are now considering does not touch removal of causes from the State to the Federal court one way or the other.

Mr. CULLOP. No; I fully understand that; but it fixes the jurisdiction and limits the same.

Mr. HUBBARD of West Virginia. Will the gentleman state whether this does not in fact affect the question of removal?

Mr. CULLOP. I understand this does not, but it does fix the amount of the jurisdiction to which a suit can be brought in the Federal court.

Mr. HUBBARD of West Virginia. Not only that, but——

Mr. CULLOP. Just one moment, please. If we have not already amended the clause of removal, we have an amendment suggested for that purpose and expect to fix that amount at $5,000.

Mr. HUBBARD of West Virginia. But if the gentleman will permit, does not section 28 now fix the pecuniary jurisdiction as to removal at the same amount which by section 24 is already fixed for the exercise of original jurisdiction?

Mr. CULLOP. There is an amendment now which has been offered by Mr. Cox of Indiana for the purpose of changing that amount, and I hope it will be adopted when we get to it.

Mr. HUBBARD of West Virginia. But my query is as to whether the language in section 28 does not now fix the pecuniary jurisdiction as to removal at the same amount which by section 24 is already fixed for the exercise of original jurisdiction.

Mr. CULLOP. Perhaps it does. But there is an amendment also to change that to $5,000 in order to make sure of it.

Mr. HUBBARD of West Virginia. But if I am right no amendment would be necessary to that effect, if the present amendment is adopted.

Mr. CULLOP. We will meet that question when we reach it. Sufficient unto the day is the evil thereof, and when we get to that provision I hope it will be made to accord with this. Some of the gentlemen who have been opposing this amendment have been speaking as if parties in the State court can not get the full measure of their rights administered in actions. What right is there to say you can get a better and fairer hearing in the Federal court than in the State court, and that the same opportunity is not open in the State court for the administration of justice? Another thing, the litigation that can be conducted at home in the State court was intended, in adopting our judiciary systems in both State and Nation, to be litigated in the State courts and not in the Federal courts. This purpose has been grossly abused of late years. The State courts are as amply able, fair, and competent to take care of every question between litigants as are the Federal courts of this country, and much litigation now conducted in the Federal courts should be conducted in the State courts. But as long as this amount stands at $2,000, the amount now fixed, in many instances people will be deprived of and surrender their rights on account of the extra cost and expense of going to the Federal court; and if they could litigate out the questions involved in the State courts they would secure a better adjustment of their rights by so doing. For these two reasons I hope that the amendment of the gentleman from Kentucky will be adopted. [Applause.] It will be to the great advantage, economy, and convenience of the people who are compelled to resort to litigation. It will be fulfilling both in spirit and in letter the object of our jurisprudence as instituted by its founders.

Mr. PARSONS. Mr. Speaker, most of this discussion has been indulged in by gentlemen who represent country districts, and I think that from the point of view of the large cities it should be said in fairness to the Federal courts that litigation in the Federal courts is cheaper, quicker, and more certain for the poor man than it is in the State courts in the large cities. I just wish to make that statement. I know that is so in the city of New York.

Mr. BURKE of Pennsylvania. And I would also suggest that the offices of nearly all of the great corporations are usually in the large cities.

Mr. PARSONS. Yes; and of course the litigation in large cities is litigation that arises there, so that none of these things of which complaint is made in country districts can be attempted in large cities.

Mr. JAMES. Does the gentleman mean to say, in answer to the gentleman from Pennsylvania, that because all of the offices of the great corporations are centered in the big cities the corporate influence has affected the State courts of the State but has not reached yet to the Federal courts, and for that reason you can have a fairer trial in the Federal courts than in the State courts?

Mr. PARSONS. No; I do not mean to say that. The real fact is that the Federal judges are abler than the State judges and they are better in the dispatch of business.

Mr. JAMES. I understand you pay your State judges about $17,500, or almost three times as much as you pay your Federal judges, and yet you say that notwithstanding this you get men at one-third the money who are more competent than your State judges. Is that true?

Mr. PARSONS. That is true in the city of New York.

Mr. MICHAEL E. DRISCOLL. As a citizen of the State of New York, I will not admit that the Federal judges are abler than the State judges.

Mr. JAMES. I congratulate the gentleman.

Mr. PARSONS. They are abler in the city of New York.

Mr. GRAHAM of Illinois. What would the proportion be of these Federal courts, to which you refer, as compared with the country districts?

Mr. PARSONS. That I have not looked up.

Mr. GRAHAM of Illinois. What you said would not be true of more than three cities in the United States. In all the others the litigants would have to come from a long distance to reach the Federal court, whereas the State court is easy of access and close at hand.

Mr. PARSONS. I think that the arguments made in behalf of the amendments offered by the gentleman from Tennessee and the gentleman from Kansas, in regard to the abuses which now can be practiced by compelling litigants to take their witnesses a long way for trial of a cause when removed to a Federal court, were very strong and convincing, and I am not saying anything against that. I am simply talking about the cheapness of litigation in the great cities where justice in the Federal courts can be compared with that of the State courts.

Mr. GRAHAM of Illinois. There are only three of them in the country, or about that many, whereas there are very many of the other kind; therefore the greatest good to the greatest number requires that your suggestion should not be adopted.

Mr. SIMS. Is it not a fact that the Federal courts of New York have been very much crowded with litigation, and have not we passed several bills within the last 10 years giving several additional judges?

Mr. PARSONS. You have.

Mr. SIMS. Will not this give some relief if the litigant could not bring suit for less than $5,000?

Mr. PARSONS. The work of the Federal courts of New York now is up to date.

Mr. SIMS. That is the case in all these districts except where they are trying to create a new judge, but in every other they are so far behind that the memory of man runneth not to the contrary.

Mr. PARSONS. We are not asking for any more judges.

Mr. MANN. If the Federal judges, as stated by the gentleman, have superior qualifications to the State judges, does not the gentleman think it would be wiser to have the State courts decide cases involving less than $5,000, and have this superior wisdom applied to more important matters?

Mr. PARSONS. I think there is nothing against the poor man in the cities having to go to the Federal courts.

Mr. JAMES. In order that the House may properly understand the proposition of the gentleman, now, as to this superior judgeship which is upon the Federal bench, do you think that it is due to the fact that the people elect your State judges and the President appoints your Federal judges, or is it due to the fact that you pay the State judges three times as much as the Federal judges get? I would like to find what it is that causes it.

Mr. PARSONS. I think the reason the Federal judges are abler is because they are appointed.

Mr. JAMES. And you think the judgment of one man in appointing a judge is better than the judgment of all your people at the polls?

Mr. PARSONS. That is the result in New York.

Mr. JAMES. I am sorry for New York.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. I ask unanimous consent that the time of the gentleman may be extended for two minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman, if he believes the Federal judges are abler than the State judges—now getting only $6,000 a year for the district judges and $7,000 for the circuit judges—why he wants to raise the salaries? Is it a fact that as you raise the salaries you are reducing the ability and working capacity and the general character of these judges down rather than raising them up?

Mr. PARSONS. I do not think that is the basis upon which you should fix salaries. I think the Government should pay suitable salaries, whether to judges or to men in the post-office service.

Mr. MICHAEL E. DRISCOLL. Then big salaries do not get good service, because if it were so the $17,500 judges ought to be abler than the $6,000 judges.

Mr. PARSONS. I think if we had larger salaries for the Federal judges of New York we would have still better Federal judges.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that my colleague's time may be extended two minutes, so that I may make a suggestion to him.

The SPEAKER pro tempore. The gentleman from New York [Mr. BENNET] asks unanimous consent that the time of his colleague [Mr. PARSONS] may be extended two minutes, so that he may make a suggestion to him. Is there objection?

There was no objection.

Mr. BENNET of New York. I would like to ask my colleague, in line with our other colleague's question, whether it is not a fact that Judge Thomas, a very able Federal judge, in the eastern district of New York, actually did leave the Federal bench and go on the State court bench, where the higher salary is paid?

Mr. PARSONS. That is a fact.

Mr. MICHAEL E. DRISCOLL. That was simply because he preferred a larger salary to the honor and dignity of his office.

Mr. JAMES. I submit to the gentleman from New York [Mr. BENNET] that his question is hardly a suggestion to the gentleman.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky [Mr. THOMAS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

The House divided; and there were—ayes 95, noes 14.

So the amendment was agreed to.

Mr. SIMS. Mr. Speaker, I wish to ask the chairman of the committee if section 30, page 24, has been passed over.

Mr. MOON of Pennsylvania. No; there is an amendment pending to section 30.

Mr. SIMS. Is that to change it from $2,000 to $5,000?

Mr. MOON of Pennsylvania. As I understand it, there is an amendment to section 30.

Mr. MANN. If there is not an amendment to that section, I think there ought to be one.

Mr. MOON of Pennsylvania. Of course, the gentleman will understand that this is a special class of cases. There is no reason why it should not be increased.

Mr. CULLOP. The gentleman from Indiana [Mr. Cox] has an amendment offered to change that from $2,000 to $5,000.

Mr. SIMS. I ask unanimous consent, Mr. Speaker, to return to page 24, section 30, line 19, in order to move to strike out the word "two" and insert the word "five," so that it will read "$5,000" instead of "$2,000." If there is an amendment pending, offered by the gentleman from Indiana [Mr. Cox], I have no objection to that being considered.

The SPEAKER pro tempore. The Chair understands the gentleman from Indiana [Mr. Cox] offered an amendment the other day which was made in order at this time.

Mr. COX of Indiana. That is to limit the jurisdiction of Federal courts as to the amount.

Mr. SIMS. We have acted on that. This is on removals. I am making a motion here to make the amount so as to agree with the amount of the original jurisdiction—making it harmonize. I do not care whose amendment it is, so that it is acted upon.

Mr. COX of Indiana. Mr. Speaker, I wish to call up the amendment I offered the other day.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 19, strike out "two" and insert "five," so as to read "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Speaker, I desire to ask unanimous consent to withdraw certain amendments that are pending and which were offered by myself, one of them on page 13, line 3, offered on the 14th of December last, which is pending, and one I subsequently offered to the same section. The first amendment is one providing in substance that when the jurisdiction is founded upon the question of citizenship, the corporation shall be deemed to be a citizen of the State in which it is carrying on any corporate business. The second amendment is as to lines 6 and 7, page 13, to strike out the words:

If such instrument be payable to bearer and be not made by any corporation.

The passage of the amendment to this section obviates the necessity of these amendments.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to withdraw the amendments he offered, and which appear on page 309 of the RECORD.

Mr. MANN. Are these amendments to section 24 or section 28?

Mr. GARRETT. They are amendments to section 24, and the necessity for them is obviated now by the passage of the other amendment to-day.

The SPEAKER pro tempore. The Clerk will report the first amendment referred to by the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

Page 13, line 3, after the word "subjects," strike out the period and insert a colon and the following:

"*Provided*, That when the jurisdiction is founded only on the fact that the action or suit is between citizens of different States, corporations shall not be deemed citizens of the State which creates them, nor be treated as such for the purposes of jurisdiction; but all corporations chartered under the laws of any State are, for the purposes of jurisdiction in the courts of the United States, declared to be citizens, residents, and inhabitants in each and every State where they have an office or an agent or in which they carry on and conduct any part of their corporate business."

The SPEAKER pro tempore. That amendment, heretofore offered by the gentleman from Tennessee [Mr. GARRETT], and under the order of the House in order at this time, the gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to withdraw. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next amendment of the gentleman from Tennessee, and which he asks unanimous consent to withdraw.

The Clerk read as follows:

In lines 6 and 7, page 13, strike out the words "if such instrument be payable to bearer and be not made by any corporation."

The SPEAKER pro tempore. If the Chair correctly understands the matter, that amendment is in the same condition, order, and category as the former, and the gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to withdraw it. Is there objection?

There was no objection.

Mr. GARRETT. Now, Mr. Speaker, I desire to ask unanimous consent that all gentlemen who spoke upon the subject of jurisdiction and the removal of causes from Federal courts, on the amendment that I offered, and which was passed to-day, may have permission for five days to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that all gentlemen who addressed the House on the amendment offered by him a short time ago, and adopted by the House, may have five legislative days in which to extend their remarks in the RECORD. Is there objection?

Mr. MANN. What is the request, Mr. Speaker? We could not hear it.

The SPEAKER pro tempore. The request is that all gentlemen who spoke on the amendment that passed a little while ago shall have five legislative days in which to extend their remarks in the RECORD. Is there objection?

Mr. MANN. On that subject matter?

Mr. GARRETT. Yes; on that subject matter.

The SPEAKER pro tempore. Is there objection?

Mr. PARKER. I would like to have that leave myself.

Mr. GARRETT. And including the gentleman from New Jersey.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that all gentlemen who addressed the House upon the amendment to section 24, recently adopted, also including the gentleman from New Jersey——

Mr. GARRETT. And the gentleman from Mississippi.

The SPEAKER pro tempore. And the gentleman from Mississippi, who did not address the House, may have five legislative days in which to extend or print their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CULLOP. Now, Mr. Speaker, I have an amendment pending to section 20.

The SPEAKER pro tempore. The Chair will state that under the regular order the next amendment would be that offered by the gentleman from New York [Mr. PARSONS].

Mr. CULLOP. The amendments will be taken up in order?

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the amendment of my colleague may be again reported.

The SPEAKER pro tempore. Without objection, the amendment of the gentleman from New York will be again reported.

The Clerk read as follows:

Amend section 116 by adding at the end thereof, after the word "circuit," in line 19, page 120, "and shall have through his circuit the powers and jurisdiction of a district judge."

Mr. MOON of Pennsylvania. Mr. Speaker, I am going to ask unanimous consent that that be permitted to go over. It did go over, but no special day was fixed for its consideration. I have not had time to give it that careful analysis that I feel necessary before discussing the amendment.

Mr. MANN. It does not require unanimous consent. It is not the regular order.

The SPEAKER pro tempore. The Chair understands that it was fixed for consideration to-day. The amendment is in order under the order of the House, but the gentleman from Pennsylvania asks unanimous consent that it may be passed without prejudice.

Mr. BENNET of New York. Reserving the right to object, I ask the gentleman if he would not make that request to pass the section at this time without prejudice, so as to carry all the other amendments with it, the discussion of which could not be concluded by 5 o'clock.

Mr. STAFFORD. I would like to ask the gentleman, in that connection, in regard to increasing the salaries for circuit judges, that the same privilege may be granted to that section which pertains to increasing the salaries of district judges.

Mr. MOON of Pennsylvania. The gentleman will observe that I asked that the whole section be passed without prejudice. That whole question can come up when we consider that.

Mr. STAFFORD. I beg to take exception to that statement. That section refers only to the salaries of circuit judges. I am seeking to have the same question on the district judges.

Mr. MANN. The gentleman can not properly make that request now.

The SPEAKER pro tempore. Is there objection to the request?

Mr. MANN. What is the request?

The SPEAKER pro tempore. That the consideration of the amendment offered by the gentleman from New York [Mr. PARSONS] may be passed without prejudice for the present.

Mr. MOON of Pennsylvania. Mr. Speaker, the Chair will observe that the gentleman from New York [Mr. BENNET] requested me to broaden that request for unanimous consent and ask that the entire section may be passed without prejudice. Therefore, I ask unanimous consent now to change my request and ask that the whole section be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania makes his request extend to the section. The request now is that section 116 may be passed for the present without prejudice.

Mr. MANN. Mr. Speaker, I do not desire to object to that, but I have an amendment pending that I would like to have permission to withdraw and offer a substitute for if this is to go over, so that the amendment which I wish to offer will be offered in the place of the amendment I have pending. I ask unanimous consent that I may do this before passing over the section.

The SPEAKER pro tempore. Without objection of the gentleman from Pennsylvania, the Chair will first put the request of the gentleman from Illinois that he may have leave to withdraw the amendment now pending to section 116 and offer a substitute therefor. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MANN. I withdraw the amendment to the amendment offered by the gentleman from New York and propose an amendment striking out "$10,000" and inserting "$8,500."

The SPEAKER pro tempore. The gentleman from Illinois withdraws his amendment and offers a substitute therefor, which the Clerk will now report.

The Clerk read as follows:

Strike out "$10,000" and insert "$8,500."

The SPEAKER pro tempore. Now, the request of the gentleman from Pennsylvania is——

Mr. MOON of Pennsylvania. That it go over without prejudice.

The SPEAKER pro tempore. That the House give unanimous consent that this section may go over without prejudice for the present.

Mr. MANN. To be taken up when?

Mr. MOON of Pennsylvania. To be taken up immediately when consideration of this bill is resumed.

Mr. MANN. After to-day.

The SPEAKER pro tempore. The section to be taken up immediately on the resumption of consideration of this bill upon a future day. Is there objection?

There was no objection?

The SPEAKER pro tempore. Now, does the gentleman from Indiana [Mr. CULLOP] call up his amendment, which is in order at this time?

Mr. MOON of Pennsylvania. I ask the gentleman not to call it up to-day. It is too late. Let us go on with the reading of the bill.

Mr. CULLOP. At the request of the gentleman from Pennsylvania it may go over until the hearing of this bill is again resumed, without prejudice.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the amendment offered by him heretofore, which under the order of the House was to be considered at this time, may go over until the bill is again under consideration. Is there objection?

There was no objection.

Mr. BENNET of New York. I ask unanimous consent to extend my remarks in the RECORD, and to print a brief document in connection therewith.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD, and to print a brief document in connection therewith. Is there objection? [After a pause.] The Chair hears none.

Mr. COCKS of New York. I should like to have him indicate the character of the document.

Mr. BENNET of New York. I hope the gentleman will not object.

Mr. COCKS of New York. I withdraw the objection.

Mr. STAFFORD. Reserving the right to object, may I inquire what is the character of the document which the gentleman from New York wishes to insert?

Mr. BENNET of New York. I understand permission has been granted.

Mr. STAFFORD. No; the gentleman succeeded in having his colleague withdraw his objection, but I did not hear what he had to say to him, and I should like to know what the character of the document is.

Mr. BENNET of New York. I did not say anything to him, except that I asked him not to object. The document will not offend the feelings of the gentleman from Wisconsin.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. What is the request of the gentleman from New York? What does the gentleman desire to put in the RECORD?

The SPEAKER pro tempore. The Chair has twice declared that there was no objection.

Mr. HEFLIN. I object to it, Mr. Speaker.

The SPEAKER pro tempore. The Chair thinks the objection comes too late at this time. The Chair at first declared that there was no objection, and afterwards the gentleman from Wisconsin arose, and there was some colloquy between him and the gentleman from New York [Mr. BENNET], and again the Chair declared that there was no objection. Then the gentleman from Alabama rose, and the Chair thinks his objection is too late.

Mr. MANN. It is not anything we care anything about anyway.

Mr. HEFLIN. The gentleman from New York did not state what it was. I want to know if he will state what it is, and if he declines, I object.

Mr. BENNET of New York. I have the permission of the House, Mr. Speaker.

Mr. MANN. Oh, state what it is.

Mr. BENNET of New York. Now, that I have been granted permission, I have no objection to stating that it is a communication signed by the gentleman from Texas [Mr. DIES], addressed generally to the Democrats of the House.

Mr. HEFLIN. I object, Mr. Speaker.

Mr. BENNET of New York. But it is already in.

The SPEAKER pro tempore. In the opinion of the Chair the objection comes too late. The Clerk will read.

Mr. HEFLIN. Mr. Speaker, I should like to inquire what the ruling of the Chair is.

The SPEAKER pro tempore. The Chair had twice declared that there was no objection.

Mr. MANN. I submit, Mr. Speaker, that if the gentleman from Alabama was on his feet, endeavoring to gain recognition——

The SPEAKER pro tempore. The gentleman from Alabama was not upon his feet at either of those times.

Mr. MANN. The determination of that question depends upon what the gentleman from Alabama says, I suppose.

Mr. JAMES. Nobody could hear what was going on here, and the gentleman got on his feet and was trying to ascertain. Now, it is unusual to enforce the technicalities that the Chair invokes. Only yesterday, after the Chair had said there was no objection, some gentleman on that side objected, and the objection was sustained.

The SPEAKER pro tempore. The Chair will state the situation. The gentleman from New York [Mr. BENNET] made a request for unanimous consent. The Chair asked if there was objection, and declared that he heard no objection.

Mr. BENNET of New York. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman indulge the Chair just a moment? Then the gentleman from Wisconsin [Mr. STAFFORD] arose and asked the gentleman from New York what it was that he wanted to print, and they had some discussion, and again the Chair said, "Is there objection?" and hearing none, said, "The Chair hears no objection."

After that the gentleman from Alabama arose for the first time from his seat and asked what was in the paper, and afterwards objected. It is not a matter that rests entirely within the discretion of the Chair.

Mr. HEFLIN. I submit, Mr. Speaker, that at first I thought that the request was for the purpose of putting in remarks on the subject of this bill, but when I found out that it was not and what it was I wanted to object. I have frequently heard the Chair say that there was no objection, and afterwards, when the Chair found that a Member did object, allowed the objection to stand. I have had that punishment visited on me. I do not think that the gentleman from New York should be allowed to print this matter in the RECORD under the circumstances.

Mr. BENNET of New York. Mr. Speaker, if this request affects the tender feelings of any gentleman on that side, I will withdraw it.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw his request. Is there objection?

There was no objection.

Mr. HEFLIN. That is all right.

The Clerk read as follows:

SEC. 119. The words "circuit justice" and "justice of a circuit," when used in this title, shall be understood to designate the Justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Mr. MANN. Mr. Speaker, I move to strike out the last word for the purpose of acquiring a little information. I noticed the other day in one of the daily papers that "Mr. Justice" So-and-so, in the city of Washington, was going to do thus and so with his calendar, and another "Mr. Justice" was going to do so-and-so with his calendar. I wish to inquire how many judges are entitled to the title of "Mr. Justice," and who they are. Apparently, under the provisions of the bill, the circuit court of appeals is entitled to the title of "Mr. Justice." Do they get the title of "Mr. Justice?" Some of the trial judges in this city claim that they have a title of "Mr. Justice." There is a great ambition, which I never could understand, to get the title that the lowest tribunal of the country has, the justice of the peace, because the Justices of the Supreme Court of the United States have the title under the statute. All the rest of the Federal judges seem to want to be called "Mr. Justice," and it confuses me, because I wish to address gentlemen by the proper title. They are as uppish about being called "judge" as an Army officer who is a general is to being called "colonel," or an admiral being called "captain." I thought perhaps the gentleman, the chairman of the committee, would be able to tell us who are entitled to this title.

Mr. MOON of Pennsylvania. Mr. Speaker, I can inform the gentleman, as far as this legislation goes, that no man under this bill is entitled to that elevated title of "justice" except the Justices of the Supreme Court. We designate them here as "circuit court justices" because they become a constituent element of the circuit court, and, therefore, in order to draw a distinction clearly when speaking of them in that capacity we call them "circuit court justices." Of course, sitting in the Supreme Court they are Justices of the Supreme Court.

Mr. MANN. I want to call the attention of my friend to the fact that there seems to be a great difference of opinion about the title. The judges here are crazy to be called "Mr. Justice," while justices of the peace are equally anxious to be called "judge."

Mr. CAMPBELL. Does the gentleman think it proper to create a court chamberlain and confer upon him the authority to fix the proper designation?

Mr. MANN. We fix it by statute, but it may become necessary to enact a statute to forbid a judge calling himself "Mr. Justice" when he is not entitled to it.

The Clerk read as follows:

SEC. 128. Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve, an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the Supreme Court: *Provided*, That the appeal must be taken within 30 days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the appellate court, or a judge thereof, during the pendency of such appeal: *Provided, however*, That the court below may, in its discretion, require as a condition of the appeal an additional bond.

Mr. PARKER. Mr. Speaker, I move to strike out the last word, for the purpose of asking a question. I do not find anything in this act that I have seen yet with reference to criminal appeals taken by the United States, and I would like to be able to submit an amendment on that subject at the proper place.

Mr. MOON of Pennsylvania. It is not in this bill. That is in the part relating to procedure. That is in the next bill under consideration—all questions of procedure.

Mr. PARKER. It is very desirable, as I am informed by the Attorney General of the United States, that most of those appeals should be taken to the circuit court of appeals instead of to the Supreme Court, and I would like to reserve the right at the proper time to bring in an amendment to that part of the procedure.

Mr. MOON of Pennsylvania. I can not explain it now, but if the gentleman will confer with me I will state that there is a place where it belongs, but not to this bill. It belongs more particularly to that section which refers to procedure.

Mr. PARKER. I should like to reserve this.

Mr. MOON of Pennsylvania. Without prejudice?

Mr. PARKER. Yes. Mr. Speaker, I ask unanimous consent that we may recur to this particular section for the purpose of offering an amendment of the nature to which I have referred if it should become necessary.

The SPEAKER pro tempore. If the Chair correctly understands the gentleman from New Jersey, he desires unanimous consent that this section may be passed for the present without prejudice.

Mr. PARKER. It is section 128, but I may want to add an additional section.

Mr. MOON of Pennsylvania. As I understand, the gentleman wants to reserve that for a particular purpose.

Mr. PARKER. Yes; it is for criminal appeals brought by the United States, for the question of capital appeals, and for the question, possibly, of Porto Rican appeals coming up.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that this section may be passed for the present without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 129. The circuit courts of appeals shall have the appellate and supervisory jurisdiction conferred upon the circuit courts by the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and all laws amendatory thereof, and shall exercise the same in the manner therein prescribed.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 127, section 129, strike out in lines 22 and 23 the words "the circuit courts" and insert the word "them."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk proceeded with the reading of the bill, and read to the bottom of page 130, section 134.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FISH, for two days, on account of important business.

COMMITTEE ON INDUSTRIAL ARTS AND EXPOSITIONS.

The SPEAKER pro tempore. The Chair submits the following request for unanimous consent.

The Clerk read as follows:

Mr. MCCREARY requests to be relieved from service on the Committee on Industrial Arts and Expositions.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. MOON of Pennsylvania (at 5 o'clock and 5 minutes p. m.), the House adjourned to meet to-morrow, Thursday, January 19, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 26685) to authorize E. J. Bomer and S. B. Wilson to construct and operate an elec-

tric railway over the National Cemetery Road at Vicksburg, Miss., reported the same with amendment, accompanied by a report (No. 1932), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. J. Res. 131) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China, reported the same without amendment, accompanied by a report (No. 1934), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 29857) to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large, reported the same without amendment, accompanied by a report (No. 1935), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Kansas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 30899) to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River, reported the same with amendment, accompanied by a report (No. 1929), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C., reported the same without amendment, accompanied by a report (No. 1930), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 26755) to extend the time to construct a dam across the Mississippi River by the St. Cloud Electric Power Co., reported the same with amendment, accompanied by a report (No. 1931), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 31070) to repeal an act entitled "An act to authorize the Natchez Electric Street Railway & Power Co. to construct and operate an electric railway along the National Cemetery Roadway at Natchez, Miss.," reported the same without amendment, accompanied by a report (No. 1933), which said bill and report were referred to the House Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 30149) to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department for the use of the Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 1938), which said bill and report were referred to the House Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 431) to reimburse the Southern Pacific Co. the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, reported the same without amendment, accompanied by a report (No. 1936), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 19239) for the relief of Jeanie G. Lyles, reported the same with amendment, accompanied by a report (No. 1937), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22497) granting a pension to Clara Hicks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31638) granting an increase of pension to William J. Ingle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 31647) to provide for the punishment of certain crimes against the United States; to the Committee on the Public Lands.

By Mr. MOON of Tennessee: A bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 31649) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 31650) to regulate the selection of lieu lands by railroads in Oregon; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 31651) providing for adjustment of conflict between placer and lode locators of phosphate lands; to the Committee on the Public Lands.

By Mr. FOSTER of Vermont: A bill (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 31653) to amend an act approved August 30, 1890, entitled "An act providing for the inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes;" to the Committee on Agriculture.

By Mr. CARTER: A bill (H. R. 31654) authorizing the Secretary of the Interior to deposit certain funds of the Choctaw and Chickasaw Tribes of Indians in national and State banks of Oklahoma; to the Committee on Indian Affairs.

By Mr. ANTHONY: A bill (H. R. 31655) to provide payment for overtime to United States penitentiary guards; to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: A bill (H. R. 31656) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;" to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 31657) to authorize United States marshals and their respective chief office deputies to administer certain oaths; to the Committee on the Judiciary.

Also, a bill (H. R. 31658) to extend section 44 of the act entitled "An act to modify, revise, and amend the penal laws of the United States" to all harbor-defense systems situate within or without the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BARCHFELD: A bill (H. R. 31659) to authorize the Department of Agriculture to participate with an exhibit in an international congress to be held at Chicago, Ill.; to the Committee on Industrial Arts and Expositions.

By Mr. MONDELL: A bill (H. R. 31660) authorizing a resurvey of certain townships in the State of Wyoming; to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 31661) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID of Nebraska: A bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines across said reservation; to the Committee on Military Affairs.

By Mr. RODDENBERY: Joint resolution (H. J. Res. 272) authorizing the printing of 50,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 273) authorizing the printing of 50,000 copies of the Special Report on Diseases of the Horse; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 31663) granting an increase of pension to Mingo Williams, alias Mingo Hinds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31664) granting an increase of pension to Michael Tuorrey; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 31665) granting an increase of pension to Mary D. Chilcote; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 31666) for the relief of Phil Sours; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 31667) granting an increase of pension to James Snyder; to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 31668) granting an increase of pension to Peter Shoffner; to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 31669) for the relief of James Gilleece; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 31670) granting an increase of pension to Jefferson Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31671) granting an increase of pension to Shedrick Gill; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 31672) authorizing the Secretary of the Interior to permit the Denison Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 31673) for the relief of Joseph Rutter; to the Committee on Military Affairs.

Also, a bill (H. R. 31674) for the relief of John Ziegler; to the Committee on Military Affairs.

By Mr. COCKS of New York: A bill (H. R. 31675) granting an increase of pension to William F. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31676) granting an increase of pension to George C. King; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 31677) granting a pension to Sallie F. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31678) granting an increase of pension to Eli Snyder; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 31679) granting an increase of pension to Henry Halk; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 31680) granting an increase of pension to John C. McCown; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 31681) granting a pension to Hannah Ellis; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 31682) granting a pension to Jane E. Myrick; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 31683) granting an increase of pension to Robert H. Dollarhide; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 31684) for the relief of the heirs of Joseph F. Payne, deceased; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 31685) for the relief of Thomas B. Hanoum; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 31686) granting a pension to Kate Malin; to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 31687) for the relief of Charles L. Barnes; to the Committee on Claims.

Also, a bill (H. R. 31688) for the relief of Elijah H. Hoult; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 31689) to provide American registers for the steamers *San Jose, Limon, Esparta, Cartago, Parismina, Heredia, Abangarez, Turrialba, Atenas, Almirante, Santa Marta, Metapan, Zacapa, Greenbrier, Perally, La Senora,* and *Sixaola;* to the Committee on the Merchant Marine and Fisheries.

By Mr. JAMES: A bill (H. R. 31690) granting an increase of pension to Pleasant G. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31691) granting an increase of pension to Henry L. Riley; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 31692) granting an increase of pension to Daniel Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31693) granting an increase of pension to George Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31694) for the relief of Edward Johnston; to the Committee on Military Affairs.

Also, a bill (H. R. 31695) granting an increase of pension to George Everson; to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 31696) granting an increase of pension to Andromeda C. Meagher; to the Committee on Pensions.

Also, a bill (H. R. 31697) for the relief of Robert C. Schenck, late paymaster United States Navy; to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 31698) for the relief of the legal representative of James Doyle; to the Committee on War Claims.

By Mr. McKINLEY of Illinois: A bill (H. R. 31699) granting an increase of pension to John H. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31700) granting an increase of pension to William Gray; to the Committee on Invalid Pensions.

My Mr. McLAUGHLIN of Michigan: A bill (H. R. 31701) granting a pension to John Waalkes; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 31702) to correct the military record of Joseph Rosenbaum; to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 31703) granting a pension to Monta E. Milligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31704) granting an increase of pension to Rosalvo Griswold; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 31705) granting an increase of pension to Oscar B. Knight; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 31706) for the relief of John H. Janssen; to the Committee on Claims.

By Mr. MASSEY: A bill (H. R. 31707) granting an increase of pension to Henry Lethco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31708) granting an increase of pension to Doctor H. Byons; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 31709) restoring pension to Mary E. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31710) granting an increase of pension to Sarah L. Perry; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 31711) granting an increase of pension to Jonathan Cooprider; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 31712) granting an increase of pension to Clinton E. Olmstead; to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 31713) for the relief of the heirs at law of Addison C. Fletcher; to the Committee on Claims.

By Mr. A. MITCHELL PALMER: A bill (H. R. 31714) granting an increase of pension to Hezekiah Dailey; to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 31715) to carry into effect the findings of the Court of Claims in the case of the heirs of Robert Bradley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 31716) to carry into effect the findings of the Court of Claims in the case of Robert Norris; to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 31717) granting a pension to Clarence H. Woolman; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 31718) granting an increase of pension to Henry Parish; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 31719) granting an increase of pension to Martha A. Hook; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 31720) granting an increase of pension to George S. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31721) granting an increase of pension to John Ashenhurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31722) granting an increase of pension to George W. Hursey; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 31723) granting an increase of pension to John Dover; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Gowanda Grange, No. 1164, of Gowanda, N. Y., for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of Hicksville (Ohio) Commercial Club, against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of Philomathean Club, of Leavenworth, Kans., against the tax on oleomargarine; to the Committee on Agriculture.

By Mr. BURLESON: Petition of hundreds of citizens of the tenth congressional district of Texas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of International Brotherhood of Blacksmiths, of Chicago, Ill.; Cigar Makers' Union No. 379, of Rochester, Ind.; Trades and Labor Council of East Liverpool, Ohio; Glass Bottle Blowers' Association of the United States; Trades and Labor Council of Oil City, Pa.; Trades and Labor Council of St. Cloud, Minn.; Painters, Decorators, and Paperhangers' Local Union No. 61, of St. Paul, Minn.; Norfolk (Va.) Typographical Union, No. 32; Rhode Island Lodge, No. 147, International Association of Machinists, of Providence, R. I.; Massachusetts Branch of the Federation of Labor, of Boston, Mass.; Brotherhood of Painters, Decorators, and Paperhangers, Local Union No. 15, of Pawtucket, R. I.; Journeymen Tailors' Union of America, Local Union No. 210, of Ann Arbor, Mich.; International Molders' Union of North America, Local Union No. 30, of Akron, Ohio; International Brotherhood of Boiler Makers and Iron-Ship Builders of America, Local No. 329, of Rocky Mount, N. C.; Brotherhood of Railway Trainmen, Gateway City Lodge, No. 76, of La Crosse, Wis.; and Coal Teamsters and Handlers, Local Union No. 352, of Albany, N. Y., for amendment of the act governing sale of oleomargarine by reduction of tax from 10 cents per pound to 2 cents per pound; to the Committee on Agriculture.

Also, petition of Monday Club, of Le Sueur, Minn.; Brotherhood of Painters, Decorators, and Paperhangers of America; Monday Literary Club, of East Liverpool, Ohio; Zerelta Reading Club, of Warsaw, Ind.; Central Labor Union of Newport News, Va.; Study and Social Club of Harper, Kans.; Society for Relief and Control of Tuberculosis in Pawtucket, R. I.; Saturday Afternoon Club, of Hays, Kans.; Langhorne (Pa.) Sorosis Club; Millard Avenue Woman's Club; Woman's Study League, of Gibbon, Nebr.; Bremerton (Wash.) Sunshine Society; Clio Literary Club, of Warsaw, Ind.; Birthday Club, of Clear Lake, Iowa; Betsy Ross Society, of Pittsburg, Pa.; The Philomathean Club, of Leavenworth, Kans.; and the Woman's Improvement Club, urging Congress to investigate and endeavor to check tuberculosis and other diseases infected through dairy products; to the Committee on Agriculture.

By Mr. CAMPBELL: Paper to accompany bill for relief of Jefferson Hurst; to the Committee on Invalid Pensions.

By Mr. CRAVENS: Paper to accompany bill for relief of Clara Hicks (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

Also petition of citizens of Arkansas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DAWSON: Petition of citizens of Davenport, Clinton, Maquoketa, Marengo, Lamotte, Oxford, and Lyons, all in the State of Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of John H. Heiss and others, against Senate bill 404, Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of T. D. Inman and others, for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DUREY: Petition of Brooklyn Engineers' Club, of Brooklyn, N. Y., for adoption of proposed amendment to House bill 7117; to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: Petition of citizens of Vergennes, Vt., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Stanton A. Hyer, of Rockford, Ill., for the militia pay bill (H. R. 28436); to the Committee on Militia.

Also, petition of Homeopathic Medical Society of County of Kings, against the Mann, Owen, and Creager bills, favoring health but not medical legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the First Baptist Church of Sandwich, Ill., for the interstate liquor bill (S. 7528); to the Committee on the Judiciary.

Also, petition of the Chicago Pneumatic Tool Co., for creation of a court of patent appeals (H. R. 14622); to the Committee on the Judiciary.

Also, paper to accompany bill for relief of John C. McCowen; to the Committee on Invalid Pensions.

Also, petition of R. U. Newstadt and others, of La Salle, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Myron Wood, of Youngstown, Ohio, for bill to increase pensions of soldiers who lost an arm or leg in the Civil War (H. R. 17883); to the Committee on Invalid Pensions.

Also, petition of Rockford (Ill.) Mitten & Hosiery Co., favoring San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. GARDNER of Massachusetts: Petition of National Woman's Christian Temperance Union, for legislation to reimburse individuals who contributed to the release of Ellen F. Stone; to the Committee on Appropriations.

By Mr. GRAFF: Petition of the Congregational Church of Granville, Ill., for the Miller-Curtis bill (H. R. 23641) regulating intoxicants in shipment between States; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of painters of Springfield, Ill, for removal of duty on flaxseed and linseed oil; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Foster T. Cochran, of Lancaster, Pa., against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GRONNA: Petition of Kramer Cooperative Co., of Kramer, N. Dak.; citizens of Belfield, N. Dak.; and citizens of Towner, N. Dak., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of T. Kolstad and four others, of Walters; Crowley & Bratsberg and one other, of Ellsworth; and Roy C. Hawkins and 14 others, of Bricelyn, all in the State of Minnesota, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of citizens of Oregon, against the Johnson Sunday law, Senate bill 404; to the Committee on the District of Columbia.

Also, petition of citizens of Oregon, against rural parcels-post law; to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Oregon, against the Mann bill relative to department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Paper to accompany bill for relief of Joseph F. Payne; to the Committee on War Claims.

By Mr. HAYES: Paper to accompany bill for relief of Thomas B. Hanoum; to the Committee on Military Affairs.

Also, petition of Roberts & Gross, merchants of San Jose, Cal., against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of California Development Board of Trade, for an appropriation of $127,000 for improvement of Sacramento River and to provide for dredging Pinole Shoals; to the Committee on Rivers and Harbors.

By Mr. HENRY of Texas: Petition of citizens of the eleventh congressional district of Texas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of the first Kentucky congressional district, against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KEIFER: Petitions of J. W. Lyle and seven other citizens of Covington, Ohio, and A. P. Savers and 23 other citizens of Bradford, Ohio, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Richland, Iowa, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KRONMILLER: Petition of Baltimore Christian Endeavor Union, for the Burkett-Sims bill; to the Committee on the Judiciary.

Also, petition of the Religious Society of Friends, relative to House bill 23641; to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Paper to accompany bill for relief of Robert C. Schenck; to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Andromeda C. Meagher; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of John Waalkes; to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of Cooper & Son Co., Richmond, Mich., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MADDEN: Petition of Arthur E. Halm, of Chicago, for an appropriation to construct a dirigible *Dreadnought;* to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Elmwood, Kans., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MILLINGTON: Petition of Utica (N. Y.) Knitting Co., against the Tou Velle bill, relative to Government stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Protests of C. C. A. Baldi, David Phillips, M. Rosenbaum, V. D. Ambrosio, De Laurentis & Teti, American Art Marble Co., Metallic Flexible Tubing Co., all of Philadelphia, in the State of Pennsylvania, against the Gardner immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania Match Co., for the Esch phosphorus bill (H. R. 30022); to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN of Oklahoma: Petition of retail merchants and other citizens of State of Oklahoma, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petition of American Federation of Labor, for amendment of the oleomargarine law to 2 cents per pound tax; to the Committee on Agriculture.

By Mr. PARSONS: Petition of New York Board of Trade and Transportation, favoring bill (S. 5677) for retirement and relief of the members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDELL of Texas: Paper to accompany bill for relief of heirs of Robert Bradley; to the Committee on Claims.

By Mr. SHEFFIELD: Petition of William Loeb, jr., and 32 others for Senate bill 5677, favoring bill for promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the town council of Charlestown, R. I., favoring Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Paper to accompany bill for relief of Mrs. W. J. Watts; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of New Haven Trades Council, for amendment of the tax on oleomargarine to 2 per cent; to the Committee on Agriculture.

By Mr. VREELAND: Petition of Gowanda Grange, No. 1164, Patrons of Husbandry, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *January 19, 1911.*

Prayer by Rev. Henry N. Couden, D. D., Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

SUPPRESSION OF TRAFFIC IN INTOXICANTS AMONG INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 13th instant, a report of the chief special officer for the suppression of the traffic in intoxicants among the Indians (S. Doc. No. 767), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the fiscal year 1910 (S. Doc. No. 766), which was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 25057) for the relief of Willard McCall and John M. Wyatt, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. DIXON presented memorials of sundry citizens of Heron and Red Lodge, Mont., remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. SUTHERLAND presented a memorial of sundry citizens of Jensen, Utah, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. WARREN presented a memorial of the Chamber of Commerce of Sheridan, Wyo., and a memorial of sundry merchants of Casper, Wyo., remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Trades and Labor Council of Danville, Ill., praying for the enactment of legislation providing employment for all prisoners on such work as will not place them in competition with free labor, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 80, International Brotherhood of Blacksmiths and Helpers, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Council of Danville, Ill., praying for the enactment of legislation limiting the power of officials in questioning or coercing suspected persons, which was referred to the Committee on the Judiciary.

Mr. HEYBURN presented a memorial of sundry citizens of Coeur d'Alene, Idaho, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a petition of the Franklin school district of Boise, Idaho, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 2753, Modern Brotherhood of America, of Twin Falls, Idaho, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented the petition of the editor of the Gassaway Times, of Gassaway, W. Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry employees of the Norfolk & Western Railway Co. in West Virginia, Virginia, Ohio, Maryland, and North Carolina, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a memorial of sundry citizens of Hartland, Vt., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. BURKETT presented a petition of the Retail Butchers' Association of Omaha, Nebr., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Neligh, McCook, Grand Island, Omaha, Hastings, Fremont, Stella, Fullerton, and Blair, all in the State of Nebraska, remonstrating against the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Ladies' Club of Gibbon, Nebr., and a petition of the Woman's Club of Laurel, Nebr., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. K. Kelley, of Dawson, Nebr., and the petition of James McKenna, of Omaha, Nebr., praying for the adoption of a certain amendment to the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Paul, Western, Clarks, Albion, St. Edwards, Axtell, Barada, and Johnstown, all in the State of Nebraska, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 9814) granting an increase of pension to O. L. Cady, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 710) for the relief of Cornelius Cahill, reported it without amendment and submitted a report (No. 981) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 986), accompanied by a bill (S. 10326) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was